

NACEPT TDR COMMITTEE MEETING

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P R O C E E D I N G S (8:50 AM)

MR. FEES: Shall we get started. Today we have as our facilitator Fern Feil who is here, and she will be keeping us on time and moving along. I think the first order of business this morning is to go around and introduce ourselves. After 2 days a month and one-half ago I think we sort of understand who each of us is, but there are some people on the sides of the room who may not know who we are. So, I would like to start with introductions.

I am David Fees, the TRI coordinator and Chair of this Committee.

(Introductions.)

MR. FEES: Thank you. Next, Michelle Price has something to talk about.

MS. PRICE: Yes, I just want to make sure that folks got the meeting summary. I know that with some of the various systems we are all using that people may or may not have had trouble with formatting and stuff like that. I brought copies of the meeting summary and the alternatives that each person, the four people that sent in different designs of the Form-R of Section 5 or even the whole form, and I sent both of those out via e-mail, and I wanted to find out if anybody needed hard copies of those which I have with me today.

I sent it out in draft because I wanted to give everybody one more chance to look at it and give me any more comments on the meeting summary before we go ahead and call it final, and we will put it up on our Internet page and make it available through the docket and anybody else who wants it. So, I would like to do that shortly, if anybody can leave me their comments on the meeting summary at the end of the meeting or get to me by say, possibly Monday, the fifteenth, if that sounds reasonable to folks.

So, first of all, did everybody get copies?

Okay, I will just pass the packages around.

PARTICIPANT: Michelle, did you get what I sent you electronically?

MS. PRICE: I did, and that is included in the package. The first thing looks like this, and the caption is "Suggested modifications for Form R." That is a compilation of four different alternatives. Cory Bromley submitted one. Susie Ferguson submitted another. Joan Fassinger submitted a third and let me see, Rick Lattimer.

They sent in four alternatives, and so those are presented in that package.

Then the meeting summary, if anybody needs a hard copy of the meeting summary, let me pass those around. I know some of you are having formatting problems, and if it is at all helpful to tell me to save it in a certain format like ASKI(?) MS Word, something like that when I send out e-mail to send it to you separately, let me know that.

MR. ORUM: Michelle?

MS. PRICE: Yes, Paul.

MR. ORUM: It would be very helpful to figure out the e-mail such that we can actually receive it in unscrambled form, but I have no idea what that is. I know that other people at other meetings sponsored by EPA have done it.

MS. PRICE: Most people here are getting it without being scrambled. You are one of the only people that I have to fax it to. So, what system, do you want to talk to me about it after the break or just let me know now what system you are using, and if there might be a better way to save it?

MR. ORUM: I can tell you people at EPA who have successfully figured out how to get beyond all the things that exist in the EPA system and send things out.

MS. PRICE: Okay. Would Joe Sierra be one of those?

MR. ORUM: Karen Shanahan, Elaine Turner.

MS. PRICE: We can give her a call. We will try to figure out another way to send this stuff so that everybody is getting it.

The other issue that I wanted to mention is we have got the January 29 and 30, meeting scheduled as the next meeting and the word I have gotten back from everybody is that they can make that. I wanted to just check that date again and see if anybody had any problems with it.

MR. BROMLEY: I guess I would like to, I was wondering with the Christmas holidays and New Year's and everything else, if it was a little soon. Maybe we could put it off a week or so. I don't know what people's schedules would be.

MS. PRICE: I am willing to entertain other dates, if we think we can come up with something right here and now. I don't want to have to have us follow up with a lot of e-mail to try to nail it down and talk to each person individually.

(Administrative discussion.)

MS. PRICE: Shall we go to procedural issues?

MR. FEES: There are three items under procedural issues. A couple of these came up as a result of not having a clear definition at the last meeting. I discussed it with EPA and they said that the process would determine where we should be. The first one was something that was brought up at the last meeting, but I still think it is something that you should address and that is having an alternative Committee Chair in case I cannot make a meeting, just so that there is continuity in terms of someone acting as Chair and keeping

things flowing along.

We could entertain any volunteers for alternative Chair. I think it is something that it would just be some person that I would work with if I know that I cannot make a meeting that I would pass on information, and that person could pick up the ball.

Is there anyone who would like to work with me?

MS. SUBRA: I see one hand down there and a hand up here.

MR. FEES: I think both of you have e-mail. That would be easy for us to communicate. We have two possibilities.

PARTICIPANT: Are we going to have a run-off election?

MR. FEES: I don't think it is really that necessary. If it is all right, I will accept Krisztina to be alternate. Hopefully it won't come to that because I have these dates on my calendar, and I hope they do stay the same because I have blocked them out and am trying not to double schedule on those dates.

The second item is the role of alternates on the Committee. This came up as a result of Krisztina having to leave the second day and having Ruth Lattimer --

MS. PRICE: May I interrupt for one second? I have been told that they cannot catch us speaking here unless we press one of these microphones nearby while we are talking. So, when you are talking, can you please press down the little black button on the microphone so that we can pick up the recording for the transcript?

Thank you.

There we go. I guess that means you are on.

MR. FEES: Testing. It doesn't sound any different. Okay. It does, actually, yes.

To get back to the role of the alternates, it was decided in the earlier iteration of the TDR Committee that while alternates can be designated by a Committee member, that the alternate would not have voting rights, and of course, the issue of voting we are going to be talking about next but, also, cannot actively participate, and that is a rule that was established before we met last time. So, this is how we will be operating in the future, and I think the thought on that is that it is very important for the continuity of the Committee that the folks that are Committee members strive to attend as much as they can.

Comments?

MS. FERGUSON: What about proxies if there is an issue that is coming up and knowing, can the voting member have written out and signed their position on something and distribute it to the rest of the group? Would that then count as a vote?

MR. FEES: I will let EPA, also, comment on this. I

believe that what we are trying to do here in this Committee is work to some solutions, recommendations, and I think that is to take place within the realm of who is here; who is working on the issue. I am not sure it is going to make a lot of sense to, I mean people can certainly comment. Committee members can certainly comment on a recommendation, I think, as we establish recommendations, let us say at the end of a day or at the end of a meeting. I don't think that is going to be the absolute final say on that recommendation.

I think we are going to package it up. We might even have a group that will formalize the writing and in that maybe month or so process before the next meeting we will have this recommendation sort of like in final cleaned up form that would go into the overall report, and I think at that point there would be a chance for Committee members to comment on, but I guess when we get to the next issue of voting and the idea that we have thought that maybe we are not going to be doing formal voting at like the end of a day on a recommendation; what we are going to do is we are going to put a recommendation together as best we can, given our time constraints, and it is what it is, and then individuals who have disagreements with that would sort of voice their minority opinion based on that recommendation. So, I think that is how we are going to handle the voting and the idea of getting your say in even if you are not at the meeting.

MR. BROMLEY: David, if I may offer maybe an alternative to that, I fully plan on being at all of these meetings, but in the event that any of us aren't able to attend, I don't see why we should have a restriction on the alternate to be able to speak. I think it should be incumbent upon the Chairman to guide that, make sure that that person, if he starts speaking about things that have already been discussed at previous meetings and the alternate wasn't aware of that or something like that, that he make sure and say, "Listen, we have already discussed that. That is not really a topic for discussion," but I don't even see the role of an alternate being anything if, why are you going to have an alternate if he cannot speak, he or she cannot speak? If we are going to do that, I think we ought not to have any alternates.

So, I was just kind of putting that out. If there is going to be, if any of us is not able to attend a meeting we ought to have somebody be able to at least come in our stead and relay whatever we have told them to relay on our behalf, and obviously if we miss more than two meetings we should be kicked off the Committee anyway. So, I think the alternate should have some role at least and not just be a warm body sitting in the chair.

MR. FEES: Right.

MS. PRICE: This is Michelle Price. I wasn't present for some of the, I think this decision was made in the previous incarnation of this Committee, and it was made for

the reasons that David outlined, that people felt it was very important for people to be there and not send someone else who wasn't informed, and I know that the point Cory makes is that it would be incumbent upon that person who couldn't make it to inform his alternate so that they would know what they were talking about if they came, but I am not sure what everyone's preference is here. It seems to me that we should go the way, either we say that there is no alternate and either you are here or you are not or it is a good point there is not really a real role for an alternate.

I want to see how other people feel about it and see if we can get consensus on the issue.

DR. BORDACS: If we set the dates, we are all going to make commitment to the dates, but we all have jobs. So, something could show up, and this is really for emergencies, and I think there should be a role for an alternate. I agree that they should be able to speak. I made the commitment, if you don't change the dates significantly trying to be here.

MR. CHAMBERLAIN: I would like to offer a comment, I guess in support of the substitute being able to make comments. It is very important, and I don't see why this particular NACEPT Committee has to be held by the constraints set by the prior NACEPT Committee, and I have talked to people that have monitored the NACEPT process, and I understand that each NACEPT Committee sets the ground rules by which it is going to operate under, and I don't think we have had a chance to participate in a discussion to establish these particular ground rules for this NACEPT Committee.

I think it is unfair for us to be bound by the previous NACEPT Committee rules.

MR. FEES: I would like to then seek from EPA the ability for us to simply vote on whether we want alternates to be able to participate or not. I think I have been given indication that we have some leeway in our operating.

So, it is up to us, unless the folks who have asked us to be here, that is EPA, feel otherwise and have reasons against it. I mean if they have reasons, let us hear them.

PARTICIPANT: What about allowing alternates to participate but then with no sort of follow-up, let us say, if Sam were not there and sent an alternate and the alternate represented Sam, but then Sam heard of what the alternate did and went, "Oh, I don't totally agree with that"? Then you wouldn't be able to come back and change what your alternate did. That would be No. 1, and No. 2, if you miss two meetings there is no argument. That is it. You are off.

MS. PRICE: You are off or you are done exercising your alternate privileges. They are two different things.

PARTICIPANT: No, you are off.

MR. BROMLEY: I know it is getting close to one of the meetings in March that I am going to have a baby soon, and those are things that just happen.

PARTICIPANT: Right, but I think what you need is a balance that there is incentive to come and not to miss them because you can always send somebody else to go with certainly taking into consideration things like having a baby. So, I guess maybe then the group would have to decide on exceptions, but now, okay, somebody missed two and let me come back to the group and argue, and then there needs to be --

MR. CHAMBERLAIN: I guess, excuse me, in response to that I could accept those ground rules. I think if you miss two you are out, and you have an opportunity to provide an alternative for those two meetings, and whatever that alternate speaks on your behalf, then you have to be bound by that.

MS. HAZEN: I think the point Cory makes is a good one, but if we make these decisions here as a group, let us make them in good faith and truly it would be the extenuating circumstances that would nullify the sort of two meetings and you are out rule, and I hope we can count on all the people around this table to sort of respect extenuating circumstances and not come in and say, "Well, I missed the plane, da, da, da, da," and that is an extenuating circumstance.

I mean obviously having a baby, a death in the family, I mean I think all of us recognize those are things beyond our control, but if we agree on this, I would ask all of you to please respect that and not come to the group with things that really aren't extenuating circumstances sort of pushing the limits, if you will of what we are trying to do here.

PARTICIPANT: Is it possible right now for each one of us to designate an alternate for the rest of the life of this committee?

MR. FEES: I think situations change where that person that you designate may -- I think I, as Chair, would like to know, I mean if we do go this way, I made this recommendation because I thought maybe we would be going to an alternate system where the alternate could participate. I would like to be made known of the alternate before the meeting and just a little bit of information about that individual and so we know to expect that person.

MR. CHAMBERLAIN: Let me get a point of clarification? So, if I sent an alternate to the next meeting and then the following meeting for some unforeseen circumstance I cannot make it, then that is it? So, really you only have an alternate that can fill in your spot for one meeting?

MR. FEES: I believe it is consecutive. I mean we only have five --

PARTICIPANT: No, it is two.

MR. FEES: Two meetings total? Okay.

MR. CHAMBERLAIN: It is actually one meeting you are allowed an alternate to fill in. If you miss the second meeting, that is it. You are out.

MS. HAZEN: You can send the alternate for the sec-

ond meeting who will still represent you, but then after that you are off and there would be a new Committee person nominated.

MR. FEES: Just from the people who are speaking it seems as though they would really like to see the option for a participating alternate. We just want to make sure that if it is designated that one doesn't abuse that, and of course we are only talking about one time anyway, but it comes back to the point that we really want a unified group of people who can work together each meeting and grow together in understanding of the issue that we are trying to tackle, and it takes away from the goals of the group if we keep having people that are coming in.

So, that is the idea. I think we need to try our very best to make the meetings. That is why we set a schedule all the way out until August, and at this point if it is okay with the EPA folks we can have a show of hands as to who would like to see alternates be able to participate in the process at the table.

Is that okay, to take that vote?

Okay, voting for --

MS. HAZEN: It is not really a vote, just a --

MR. FEES: Yes, just a show of hands for allowing an alternate to be able to participate?

MR. CHAMBERLAIN: And if there are any alternates you cannot vote.

(Laughter.)

MR. FEES: Right, that would be sort of throwing the vote.

So, please a show of hands?

(There was a show of hands.)

MR. FEES: We have a definite majority on this.

PARTICIPANT: Could you ask for all opposed, just out of curiosity?

MR. FEES: All opposed to this issue of alternates?

(There was a show of hands.)

MS. PRICE: Could we just hear why maybe people are opposed?

PARTICIPANT: I agree with his last statement that you have to have a consistent group of people.

MR. ECK: And my reason would be I think that there is always time for public comment built into every meeting. So, your alternate if not allowed to speak from the table can speak from the wall, No. 1.

No. 2, I have been in quite a few government meetings where alternates set the process back 2 or 3 weeks by virtue of not having the 5 or 6 days' knowledge, and I think essentially it will tend to be a waste of time. I think this will work better if Committee members essentially agree to steal some of their bosses' time for this Committee pretty much in an unsung role.

MR. BROMLEY: What about Maria's suggestion?

MR. FEES: I am going to keep after alternates. I mean there is going to be a limit to what an alternate can do to the group, and if the alternate is not prepared then I am going to have to say that this person is not prepared and maybe you need to sit down and go through the materials and then when you can participate as your first designated person could, then come to the table, but not having the ability to participate, I mean we wouldn't have had another option that Rick Lattimer proposed. He certainly didn't take away from our group by coming in the second day.

MS. FASSINGER: I, as an alternate, on the last group would like to give some first-hand knowledge. We did have several career changes on the last group, and so were forced to look at replacements, and we did more or less make a commitment that alternates would No. 1 be up to speed on the prior activities of the group and No. 2, possibly even attend a couple of meetings as observers. I actually came to meetings for a year before I was an alternate. So, it is possible to do and people on the Committee as members should be able to make a commitment to make sure whoever they bring in knows the past activities.

MR. FEES: Okay, I think we have got that resolved.

MS. DOA: Cory asked about how many meetings are you allowed to miss.

MR. FEES: I thought we decided that it was two meetings. After today we are only talking about four more meetings.

I did want to ask from the transcriber, do we need to state our names?

REPORTER: Please, that would be helpful.

MR. FEES: Okay, try to remember to do that because this is for public record. So, I know it is going to be hard to remember, but try to remember that.

REPORTER: At least for the morning section of the meeting. There were some seats that weren't filled when I wrote down who was sitting here. So, if you could just start out with your names, that would be helpful, for the morning session.

MR. FEES: Okay, the next item on the procedural issues which is the one I thought we would really get some discussion on is Committee decision making.

I don't think we were very clear as to how we as a Committee would arrive at a recommendation which is our ultimate goal, to arrive at a recommendation on whatever topic we were taking under advisement, and there is a whole realm of options in terms of voting, in terms of majority of votes.

At the beginning of the meeting last time we had anticipated reaching some type of consensus. It is my understanding when I talked to some of the other committees at the NACEPT Council meeting that I attended in November that most

of these groups did use a sort of consensus approach.

All I can say to that is that those groups weren't as large as this one. I think this is one of the largest Committees. Some of those only had eight to 10, 11 people. So, that is one factor. Another factor is possibly the types of topics we are attempting to wrestle with, but I think I want to turn it over now to EPA to give us their thoughts on how they think the Committee might best reach a recommendation.

MS. PRICE: This is Michelle Price. What we had talked about, David and myself and some other folks at EPA is that we would like to get consensus recommendations, if at all possible, and I think we discussed at the last meeting if we cannot get consensus recommendations we would like to get where the differences lie and an understanding of what is behind those differences, and so, I mean our sense, I mean it is hard to figure out exactly how this would work, but that we would talk about a recommendation and keep working with it, with people who still disagree with it trying to fix it until we can get to the point where we can all agree, and if that is not happening, then we kind of maybe try to put down what the, start putting down what the different minority or differing views are so that what we come out with at the end of the day is a consensus recommendation if at all possible, and if not a recommendation that most people agree on or something like that and then outline where the differences still remain.

I don't know if Susie or Maria have any -- okay, Maria has something to add to this.

MS. DOA: Maria Doa. One of the purposes of the Committee, I mean the main purpose of the Committee is for recommendations and if we need to have more than one recommendation coming out of the Committee, that would be very useful so that we could understand the recommendation and the reasons behind the recommendation, and if there is not going to be consensus, and I don't think there is going to be consensus on everything, we get the differing views and in some depth. I think it would be helpful as we move forward with the TRI program.

MR. SKERNOLIS: Just a comment in terms of the process. Ed Skernolis, I forgot. It seems to me that the way this is structured is we have themes for certain meetings or certain days of meetings in which EPA is laying out issue papers and asking questions of us.

One of the ways it is possible to tell early on whether you are going to reach a consensus is to find out whether the people think that issue is an issue or a problem. Usually when you have advisory committees one of the things that binds the people together is the notion that something needs to be fixed. If there are groups of us who don't believe there is a problem that needs to be fixed, I think it is a pretty early indication that there is not going to be a consensus and a solution because they don't even think a solution

is necessary, and I am not pointing a finger. I could feel that way about something as much as anybody else.

So, it seems to me getting out of the chute and finding out do people think what you have asked us to talk about is in fact a problem or an issue that needs resolution will help us pretty early on to figure out whether we are in simply a kind of enlightenment mode or a consensus-building mode and help us get through that process a lot faster.

That way we won't be trying to build consensus where we know there just isn't a real chance of that. Now, people might change their minds during the course of the discussion, too, and they can tell us that, but I just think it is a way to kind of get everything out on the table and find out where we are right from the start rather than saying that we all agree this is a problem when we don't all agree it is a problem or an issue.

MR. ORUM: Paul Orum. I agree with that as a way to start. I basically want to endorse the process of working for a consensus where it is available and then where it isn't which will be in a number of cases I am sure working to establish the areas of disagreement and to state them as clearly as possible and record them in the materials we produce, the minutes and so forth so that EPA can then use those to understand the areas of disagreement and the reasons behind them, a basic fundamental objection to voting, majority/minority reports because I think those are weighted terms that may mean something very different than the actual content of what we are talking about.

One other process recommendation is that we do the thing with the cards on end, if you want to speak if people don't mind because then that lets you know who has something to say.

MR. FEES: David Fees. One thing to keep in mind is that the thing that is going to constrain us the most is time. We are going to be establishing a certain amount of time for the issues, like say, for instance, by the end of today we will complete whatever work we do on that issue that we tackled last time, that is that sort of Section 5, the releases issue. We are going to take that up for the remainder of today when we finish these procedural items and a few other things. We are going to take that issue up and work on that, but the end of the day is the end of the day.

So, whatever recommendations we can come to, whatever thoughts and agreements and possibly disagreements on that issue we are going to put down on paper and that will be the end. We will be moving on to another topic.

So, that is the thing to keep in mind as we try to reach a consensus.

MS. FERGUSON: This is Susie Ferguson. Another process recommendation I would have for dealing with issues, because our time in the meetings is limited, if there is a con-

cept that comes out of a meeting issue that a group wants to work on and flesh out in greater detail and bring back to the meeting group next time I would endorse the use of groups of interested subcommittee members to form around an issue and flesh it out.

I think that would be a really good use of the intervening time to put something in black and white.

MR. FEES: Yes, I think we did discuss with the facilitator and EPA the possibility of using groups, especially in the intervening time but, also, I think we talked about using groups even during the time, if necessary if it seemed to make most sense to try to focus what we are trying to get at. If a larger group of 19 to 23 folks, you know, are just sort of hitting a stone wall on something, maybe elect certain smaller groups to tackle an issue and then they would bring to the table maybe not just their own individual thoughts and biases because I think that is what I saw last meeting. You get individual thinking and viewpoints if you have small groups, and they are starting to work towards essentially consensus in the group, and then you can bring that idea to the table.

So, within or between meetings that is a possibility I think we should consider using where it might work.

Any other comments?

Michael?

MR. ECK: Yes, let me throw in, Mike Eck, just because of part of the decision-making process and the comments we have heard about lack of time I guess I would call for the facilitator and the Chairman to impose a bit more structure, if possible on our discussions.

Ed's suggestion that we may have fundamental disagreements about issues might provoke the idea of a 2-minute snap vote at the beginning of discussions to see just where people feel coming into an issue without the prior discussion. We might want to try to narrow down our discussion time frames and try to cut off discussion and then work in other ways toward consensus.

I feel otherwise we may find ourselves doing a lot of the work between meetings rather than in the meetings, trying to draft position papers, etc.

MR. FEES: One suggestion I had was that, this is David Fees. One suggestion I had was that in taking a periodic show of hand votes on some topic or some issue that we are working on or recommendation that we are formulating or a portion of a recommendation is to take a show of hands in support of that idea and for those that didn't vote either because they don't agree with it or didn't understand it, to try to understand their viewpoint and bring that to the table and try to work through that. So, from that standpoint if we maybe take a periodic show of hands on issues we can see where are we building consensus and are we bringing people that

maybe weren't agreeing with the concepts that we were developing are now beginning to agree with those concepts. What are your thoughts on that?

MR. SKERNOLIS: I think we are probably on the same wavelength here. The only comment I wanted to make is I didn't want the schedule to be an enemy of progress and that I hoped we would have the flexibility as a group and the leadership of the group between the Chair and our EPA advisees that if we think we are making progress, I mean if Paul and Sam are on the verge of agreeing about something on underground injection I don't want to bang the gavel on that meeting. I would like to see it come to fruition.

So, I hope we all agree that we would want some flexibility in this schedule if progress is being made.

MR. ORUM: Paul Orum speaking. In the vein of moving things along, I think we need to be careful about how ambitious we are with our agenda, and this is something I think not so much for the Committee Chair and facilitator as for EPA.

The example that comes to mind is Joan's matrix on redesigning the form. I am very interested in it. I don't understand it. I think that if we really went that route it would take probably this meeting, the next one and maybe part of the next one because you are talking about various issues of TRI, RCRA and so forth. So, I am interested in it. Maybe it isn't that complex, but it seems to me that if we really went that route it would take quite a bit more time than we are allotting, and I think at some point we need some guidance from EPA to say that this is how far we think we can get. This is what is useful at this time.

MS. HAZEN: Susie Hazen, for EPA. I understand what you are saying, Paul, and in fact, when we were a subcommittee and dealing with issues related to pollution prevention act reporting we in fact, made decisions as we went along to spend more time on some things than others, and so, I think that flexibility is here within the group.

For example, if two parties were on the verge of consensus, it is certainly something I would say we would give more time to.

On the other hand, time is limited, and time is very valuable for the people who come to the table, and there are many issues and different issues that each member of this group has come to this Committee to join into, and so, for example, I could see us spending the next eight meetings working on the structure of Form R, but we cannot do that. We cannot do that out of fairness to the people who come to the table with other interests.

We cannot do it in terms of timing. There are people who are expecting some modifications to the form, and if we go on for a year or two, then you know they will be delayed.

What I would suggest is if there are other things

that EPA can do to facilitate understanding of some of the recommendations, if we can provide more written information on what the options actually mean, if there is anything we can do outside of here to invest our time to make the time here more relevant, then we will do that, but we are going to have to put some limits on discussion and I hope people around the table will understand that.

MS. FASSINGER: I would like to speak as a member of a lot of different types of committees. It is very difficult to not only get consensus but even have meaningful discussion. I mean you can have meaningful discussions, but it is hard to get everything out in a timely manner with such a large group as we all recognize.

We have found the mini group or subgroup process to be very effective if you can have a good balance and assign proxy authority to make some decisions up to a limited scale and then bring that back to the full group for fleshing it out. You can get a lot more done, and I think it would possibly help eliminate frustration on the part of the whole Committee and feel like we can keep moving along if we can maybe try that, but definitely we have to make sure we have the balance, but if some people are interested in the topic, they can work that out together.

MS. FERGUSON: This is Susie Ferguson. A follow-up on EPA's offering to, what you could do to make things go easy. I think when we are talking about form changes, if we had an electronic version in a laptop and a graphics program to move boxes around and the ability to bring back different versions to the group that makes it easy to see how things would look differently, and maybe that is the kind of thing where a subcommittee could go off for a few minutes and bring back the concepts in a restructured format easily for the rest of us to look at in black and white. That would be one technique.

MS. DOA: I think that is something we can figure out if we can do. My one concern there is we actually did do some mock-up versions of Form R a couple of years ago with different options on them. They made their way out into the public, and all of a sudden we found ourselves bombarded with aren't you going to use this form; aren't you going to use that form, and so, if we are going to do that, there is a risk to take there, and I think we have to be careful.

MS. FERGUSON: I think there is value in EPA getting a recommendation that graphically represents alternatives that you can point to and say, "The Committee had this range of views or this range of alternatives" in terms of how the information could be presented without your having come up with that same number of forms.

I think it is different if it is EPA putting together different ways of doing things versus the Committee making recommendations to you, that having those in a report

has value in and of itself sometimes to aid understanding in the discussion. That would be my point. This is Susie Ferguson, again, sorry.

MR. FEES: Without any further discussion I think we ought to move on because we do have a bit to cover. We want to use the time for the issues on the Form R and not just procedural issues.

The next item on the agenda is one-stop reporting and information access. That individual is not here. So, I am going to jump to the reporting on the NACEPT Council meeting which I attended on behalf of the TDR Committee on November 5 and 6.

My Committee report to the Council and to Deputy Secretary Hanson was very brief. I mean we had just begun as a Committee. I stated why TDR was formed as a result of the new industries coming on line and the charge of TDR looking at ways to modify, clarify the Form R and, also, clarify information presentation of the TRI data, and the goals to improve the usefulness of TRI for the public as well as reducing the burden on industry and some of the things that I think we all need to maybe keep in mind as we look towards recommendations here.

Then I wrapped it up by indicating the make-up of our group, our schedule out until August of next year and hoped that at a meeting a year hence we would have recommendations, a recommendation report to present to the Council for their consideration.

The Council members reviewed several reports that were much further along or were reports from committees that were much further along, a couple that were up for vote, and I think Michelle is going to be handing out one of those reports that committee members had 30 days to vote on.

It was a very good example, I think of sort of a product that can come out of a committee, laying out recommendations and the thought behind those recommendations. So it might be a good model.

MS. PRICE: Yes, we brought copies of the report to pass out.

MR. FEES: This is just something for you to look at, to maybe give you ideas of what are we trying to work towards. I mean we are talking about recommendations, but what product are we trying to generate, and this is one example of sort of a product that a committee generates.

MS. PRICE: This is Michelle Price. I think Paul Orum was actually on the Committee of the report that we are passing out. So, he may be able to offer some insight if anybody has any questions about what kind of process they went through to get this report, but we decided it would be helpful to pass out an example of something another committee had done and to see an example of a product that David as the Chair of this Committee through his participation in the NACEPT Coun-

cil, the kind of thing that David is voting on and participating in and doing when he has to attend these meetings.

I guess it is sort of a year-round duty like if there are other committees that have reports to submit to the NACEPT Council David and his fellow Council members will be reviewing it and voting on it and that sort of thing.

MR. FEES: Reports can be submitted to the Council at any time. It does not have to be at a Council meeting.

The last time they met was like a year before this last meeting, and in fact, there was a report that was submitted to the Council. Seeing the way other committees work usually they will work for at least 6 months, maybe longer to put together a recommendation report.

In the instance of this one that has been handed out, they made initial recommendations and then the deputy administrator came back with some questions, and then there was a follow-up report which is most of what you see here. I think the initial report is like the first six or so pages.

So, that is sort of how I envision maybe a process unfolding with our group.

I see on the agenda there is "Explain function of NACEPT Council." I think I already said that I think the basic function is to take under advisement the recommendations from individual committees, look at them from maybe a larger perspective and then forward those recommendations on to EPA. I mean other than that the NACEPT Council has been asked by EPA to look at the bigger issues and see if in fact, the EPA is asking the right questions. Right now we are charged with something very specific, look at Form R, look at TRI, how it is presented, but the NACEPT Council might ask the questions of EPA, is this really what you want or do you really need something else, some other kind of information management. So, that is sort of the role of the NACEPT Council beyond simply just forwarding on recommendations from committees.

I think that is all on that.

Oh, great, the person who is going to speak on one-stop reporting is here just in time since all the other items before the break have been covered I think.

Michelle, do you want to introduce --

MS. PRICE: Yes, this is Michelle Price. I want to introduce Allan Abramson from OPPT's Information Management Division. We asked him to come here today and talk a little bit about one-stop reporting information access issues because I had had a call from Joan Fassinger asking if we could possibly give some insight into some of the other information management activities going on at the agency so we could get a sense of what is going on here in this Committee and what we are talking about with regard to the TRI reporting form and reporting practices, how that fits into some of the other activities going on in the agency.

Joan, did you have anything to add to that?

MS. FASSINGER: No, I had just asked for an update on these activities because I thought that it was important for this group to have an idea of the activities that are going on so we can see as Michelle said how we fit in, but I thought that knowing the activities might affect our perspective on whether the Form R should be changed or whether the one-stop reporting might answer some of our issues that are brought up about public access. So, hopefully, Allan will be able to help us put things in perspective.

MS. PRICE: Allan, could you come up to the table and maybe sit here by one of these mikes and hit the little black button when you speak?

Thank you.

MR. ABRAMSON: I didn't prepare any formal presentation. I would like to do a brief introduction and then have as much conversation as your interest and time will permit. Reinventing environmental information is another of the really large initiatives that EPA has undertaken in recent years. It is led by the relatively new Office of Reinvention which is not in our area. It is a different office that was created to report directly to the administrator and the deputy administrator to handle these significant activities, and basically there are three themes for the entire initiative of reinventing environmental information.

The first one is data integration which is a simple recognition that over the years driven by many different statutes each program has developed its own data management operation and requirements, sometimes with discretion, sometimes without, the net result of which is a number of data systems that don't talk well to each other either manually or electronically and often have seemingly inconsistent and incompatible information in them, and there hasn't been a great deal of effort over the years to reconcile those different records all of which may have a different perspective on the same facility, that is of regulatory interest to EPA.

So, data integration essentially is a directive to EPA itself to clean up its act, to rationalize the databases, make sure they do talk with each other and then begin the very arduous process of reconciling the data that is in them so that anyone can look at it and make some sense out of it, and this is obviously going to take a long time, but it is long overdue, and a journey of 1000 miles begins with a single step.

So, we are hurrying now with our early steps in reinventing environmental information for data integration purposes, and I will talk a little more about that if you are interested.

The second theme in the REI effort is enhanced public access. Of course, it depends critically upon the success of the first thing which is why I have listed it as No. 2.

Once or as we are rationalizing and integrating our

systems we have a major commitment to make those systems transparent to the outside world, ultimately one of the visions is to enable anyone in this room or anywhere else in the country to get on to the Internet and see all the publicly available information that EPA has, just period and be able to play with it, do some ad hoc queries and have the electronic system invisibly answer the questions in a way that is actually useful to people. That, too, is a very tall order, but many, many subinitiatives are clustered under that theme of enhanced public access for the agency.

The third theme then follows the first two which is that once we are managing our information better and making it available to the public a series of questions will arise like do we need this information and do we have the right information and that then comes under the theme of burden reduction for the regulated community and for the regulators themselves.

Do we really need everything we are collecting? What use are we making of it, and if we don't need it, forget it. If we do need it, justify it, and use it, use it effectively rather than collect it and have it collect dust somewhere without being analyzed.

These are the three major themes for the reinventing environmental initiative in the agency. They all address the question that I always pose which I think is the basic question all of us ask which is is it safe; is it safe out there; is it safe in here; is it safe to consume; is it safe to breathe; is it safe to drink? That is what people are after and while you have to take hazard identification, mix it with exposure information and do some modeling and come up with some kind of risk estimates, all of which are fraught with scientific difficulties as you are well aware, nonetheless that is, I think one of the hearts of what EPA is all about is trying to manage its regulatory and voluntary programs so as to give the right answer to that question, that is it is safe, not 100 percent because no one is ever going to guarantee that, but it is safe within our scientific judgment as an agency.

So, that is the overall umbrella of the initiative within which one stop and a portion of one stop that we have lead responsibility for which as the facility identifier initiative falls.

The one-stop program is a specific initiative undertaken a couple of years ago but now hitting high gear which has, again, a fairly simple concept which is that those who report to the agency should not have to deal with multiple entities. Ultimately there should be a post office box labeled EPA reporting to which one sends information and then all the various parts of EPA ultimately will get them as they need them out of that central mail box rather than having them all go to each office.

Similarly one-stop access as a consequence of that

the public will have one place to go rather than having to contact the Toxics Program, the Pesticide Program, the Air and the Water Programs separately.

There will be one window into all of the information for the public. Now, that initiative currently is in its early stages. A small number of states have accepted modest grants from EPA to retool their information management systems to be more consistent with EPA's information management systems and move the states toward a one-stop approach for reporting which means consolidated forms in a number of states.

I think Wisconsin is a good example of how they are trying consolidated submittals on a pilot basis right now. There are about five, six, seven states this year that will be in this pilot program. We hope to expand that to more than three dozen of the states, almost all of whom have expressed great enthusiasm because everyone sees the necessity for doing this over the next few years, so that we are going to work with them as our partners because they are really on the front line. They have delegated authority for many programs. They collect a lot of the information and they certainly use a lot of the information for their compliance and analytic purposes and planning purposes.

So, we have to work very closely with them, and we are doing that through the Environmental Council of States or ECOS as some of you know.

A part or a foundation for all of this, everything I have talked about is a very simple initiative that toxics has been leading on behalf of the agency for the last 3 years called either the KID initiative or the facility identifier initiative. It has many incarnations.

Let us just call it the facility identifier for now for today's purposes. That has as its purpose the tagging of every bit of data relating to a facility of regulatory interest to EPA, and there may be over half a million of those in our data systems all across the agency and that doesn't even include all the facilities of interest to states that are not of interest to EPA, it will give a unique identifier to the facility itself and that identifier will then carry over to every record for every programmatic purpose, and that then is your key to integrating all the information.

You don't have to actually integrate it. You just have to link it electronically through the key identifier which is just going to be a 12-digit random number that we generate and assign to a given facility.

The first question is what is a facility. Well, we are about to issue some guidance on the definition of what a facility is and there are three levels to it, levels A, B and C, as we have tagged them.

Level A facility is kind of a conglomerate, the largest, most complex, most geographically dispersed facility one can imagine. It could be a telephone company that has

lots of substations, but they are all managed out of a central office, and they are dispersed over many square miles. It could be a couple of thousand acre facility that has many disparate processing and manufacturing and treatment and disposal plants on it. It is kind of a very large concept of facility.

We don't expect many of the facilities that we have in our system to be A level facilities. Most of them are going to be B level facilities which are facilities as we ordinary people understand them. You walk down the street and you see a building and it has a company name on it. That is a facility. If they are doing something there, that is of regulatory interest to EPA. Maybe it is a couple of buildings, but they are tightly integrated. It is kind of one major function, and you can say that is a facility, a common sense term.

C level is the pieces inside the facility. It may be an individual smokestack or effluent pipe or sewage treatment plant or a waste pile with runoff. It is the item of specific regulatory interest to EPA that might be subject to a RCRA award or air permit and so on, and all of those will be linked through what we call relationship tables through the unique identifier that we use and where we are on that one is we are about to publish for comment particularly by our state partners but it will really be an open process our initial sense of the definitions of facilities that I have just outlined, a listing of the data fields that we are going to populate in a central records system which is now called the facility registry system or FRS which will be run by the Office of Information Resources Management on behalf of the entire agency, and the central record is going to be what I call the first page of a 1040 tax return although I hope without those connotations associated with it, but it is the basic identifying information, name, address, primary contact, mailing address, shipping address, SIC code or codes, primary and secondary and what is this facility, and that will be what anyone from the outside or anyone from the inside who goes into the central database will see as description of what the facility is.

Through the key ID then there will be an invisible linkage, and there will be a listing associated with it that you could call up which will display where that facility appears in all of our databases and all the programs, and you will have hot links. You just point and click, and you will be at the record in the program's database, and you can go back and forth, trolling as you may for information about that facility, and it will all be accessible through this front end called the facility registry system.

So, we are about to put out what we call interim standards which is our first cut at all of these basic definitions. It is not highly sophisticated or profound material although it has taken us a long time to get everyone in the agency together on it for comment, and at the same time we are

initiating the actual design of the database. A lot of it has been designed already, and it is going to turn out to be an improvement to what is known as Envirofax(?) database for the agency which is our vehicle of choice for integrating information and public access for everybody.

So, the key ID project will appear as an upgraded Envirofax to be called a facility registry system and we will take the first crack at populating that database with all the major program databases. I emphasize the word "major."

We are not going to try to do everything all at once, but it is going to take us probably a year or two just to get that job done across all the agency's programs, populate those databases, in doing that initiate some reconciliation efforts, take a look at that record and once you see it on a page or a screen you can tell well, gee, it is six different addresses for the same place. Shouldn't we kind of fix that eventually? You don't have to as long as they are linked properly, but it does make more sense in the long run to be able to collapse the data and have everyone say the same thing about the facility.

Some of the reconciliation efforts will then be devoted to what is the right or the official way we are going to tag this facility and are these linkages correct? If there is a record in the water program, is that record really associated with this database or is that some ancient error that nobody has ever picked up? So, we have to do some quality assurance to make all the linkages accurate from the start. We will do that jointly with the states and ultimately what we will do is send those records to the facilities and say, "Does this look like you? Is this what you think reality is? If not, please do us a favor and fix it? Tell us, and we will adjust our databases."

It is not going to be a rule. It is a voluntary program at this point. We think that you can get farther faster doing it on a voluntary basis with the enthusiastic support of the states, and I think most of the industry through the trade associations and individuals we have talked to are, also, extremely interested in seeing this happen for everybody's sake because in the long run their burden will be easier as well as the public's burden and making sense out of all this information.

So, that is where we are right now, and that is where we plan to go. Once you have key ID, the facility identifier in place, then one-stop reporting can expand upon that to more than the basic data but actually to the programmatic data and begin to rationalize the way we collect and manage and display all of the environmental information across all the programs.

So, the next couple of years are going to be a lot of hard work and very exciting in trying to pull all this together, and with that I would stop and entertain any questions

you might have.

MR. STONE: Jon Stone. I reported for a facility in Wisconsin last year, and it was very nice to have everything on one set of disks prior to doing everything. One problem with that was though they had an early draft version of the Form R long before the US EPA released the final, and it took a ruling of the Attorney General that we could delay doing our Form R's because we actually had them in our possession.

Did you have a July 1, date deadline or did you not? The other problem with Wisconsin being a state, it doesn't have as many definitions. Within the agency you have got probably a dozen definitions of release. I can see consolidating data, but how are you going to consolidate the definitions across all the various regulations for which we are reporting?

MR. ABRAMSON: There are two parts that I would like to try to address, one better than the other. The first is the easier one which is that Wisconsin was a great test case because their process which they developed over many years led them to demand that they get the Form R by November 1, each year and our process simply does not allow that. There is just no way that we are going to be ready on November 1, just incommensurate goals and that created enormous difficulties which in fact, has led Wisconsin to say that they are not going to include the TRI Form R in this year's program for consolidated reporting.

We regret that and had hoped we could work that out, but it is an example of how each state has its own traditions and rules and regs and processes. There is no right or wrong. It is just that we are all driven by different constraints in our systems which means that special provision is going to have to be made in the long run or ways to handle that so as not to increase the burden on the reporters and make it more complex than it is.

Nonetheless, I think we are going to make a lot of progress in the next few years with most of the states and we will make those accommodations as we need them.

In terms of the definitions of the programs, many of those definitions are driven by the statute. They are enshrined in law rather than regulations which means that as we go through the process of data integration my vision is that when you line up all these dominoes of different sizes, shapes and colors next to each other it becomes tangibly very obvious where the problems are, and rather than argue these things or discuss them in the abstract, once you have it in front of you on a screen, on a printout, what have you, and you can see that this just doesn't make sense, A, doesn't make sense when stacked next to B, I believe that we will inevitably change our rules and go back to Congress as necessary to rationalize these.

That is going to be a long-term process, and it is

not easy to fix because we are driven so much by statutory definition, but to the extent we can do it without going back to Congress, obviously over the next few years we will try to do that.

MS. FASSINGER: Allan, I am Joan Fassinger from GM. I would like to just clarify and maybe you don't even have the answers on the data compilation. One is how far back are you going to go. Also, based on some similar experiences trying to do compilation we have found difficulties even with the state databases not being up to date. So, I guess a suggestion might be made to bring the sample compilation either to a group such as us or another broad committee or maybe go through industry associations and allow them to take a look at the data for some QC QA.

Also, based on our experience with the sector facility indexing project I would like to ask if you plan on including enforcement data which seems to cause a lot more concern than if the air, water, waste and TRI-type data are combined. I guess I wouldn't want to see mass opposition to such a constructive effort based on those types of considerations where if maybe a little more fundamental set of information was compiled there might be a little less concern on the part of the reporters.

MR. ABRAMSON: We certainly are talking about data management. The indexing project, as you know, created kind of a ranking system for various enforcement-related purposes, and that is something that I cannot really talk about.

That is an Enforcement Office initiative. I am sure you have had lots of exchanges with them on that. I know it is a controversial project to say the least.

Two things, one is that we are going to make this an open system. It is now an open system. As we improve it and link everything it will continue to be an open system. At some point we are going to take the burden initially of trying to look at all the data together and do some initial reconciliation and quality assurance efforts. We are not going to impose that on anyone else.

Then we are going to share that with the states and ask them what they think. Then we are going to suggest, we are going to ask the states to share it with the regulated parties directly.

Ultimately the people who are reporting, the regulated entities are the ones who know best what they are doing at their facility. Ultimately it is going to be in their interest to make sure that our databases reflect their reality rather than any mistakes that have crept in in terms of data management over the years so that I could see a system whereby on an annual basis or whatever, some periodic basis a data dump is made for each facility, and we say, "Here is what is in there, and take a pencil and fix it if there is any mistakes. Let us know what the mistakes are."

So, I think that the facilities are the ones who will help us, and then beyond that the linkages we make are to different regulated entities, and sometimes a facility will shut down part of the operation or build a new piece of the operation. It is up to the facilities ultimately to let us know that new linkages are being formed and old linkages are not valid. You know, these pieces are not there anymore and we do have some new ones. So, in the longer run I think we are all going to be in a partnership here to manage the data and make it real for everybody.

MS. FASSINGER: Is part of your proposal, just one follow up to that, are you going to provide a mechanism then for data correction?

MR. ABRAMSON: Absolutely. In terms of the other part of the question which I didn't respond to, which is are we going to include enforcement information, there is publicly available enforcement information and then there is enforcement sensitive information. Obviously we are not going to deal with the sensitive information, but it is possible that publicly available compliance data or compliance histories per se could be available through the system, and that is going to be a determination by the enforcement office as to what is public data as opposed to internal data.

MS. HAZEN: Just one comment on the Wisconsin experience. We agree that it was a fantastic effort and in fact had hoped to be able to have the Form R ready for the state to use and submitted the form with changes for approval in enough time that it would have been able to be made available to the state.

Unfortunately it was not approved until May 1, long after you all needed it. The agency is going to continue to try to work with our colleagues inside and outside of the agency to try to expedite the process for approving minor modifications to the form so that in the future paper copy of the form will be available as soon as possible. So, hopefully in years to come that will happen.

MS. SUBRA: Wilma Subra, from Louisiana. At a number of facilities in Louisiana and Texas that I am familiar with there is like a petrochemical plant with a discrete fence line. So, it is identified as a facility, and it has got a sign on the front, but within that facility there are a number of units operated by different companies, totally different permits that the people don't know what those names are. Is the only way they are going to be able to tell what sources are on that facility by using Latin(?) law and then how do they know that they should search for other names of permanent facilities within that fence line?

MR. ABRAMSON: If they are really different companies, they are probably reporting to EPA independently. They will show up in the database. They will not be invisible.

MS. SUBRA: But how will we know that they are

within that fence? How will we know to go look for them?

MR. ABRAMSON: You will have the address and the Lat law.

MS. SUBRA: So, we will have to search Lat law.

MR. ABRAMSON: Possibly. One of the things that I have in my hope chest on this one is that Envirofax is almost there now, but over the years we will have a graphical interface. So, you will pull up your map, outline an area, quick search, and you will find every facility in there. That is the ideal that we are working toward.

PARTICIPANT: What about a zip code?

MR. ABRAMSON: And you can do zip code searches, right now.

MR. GEISER: Ken Geiser. Allan, thank you very much. It sounds pretty inspiring and wonderful what you are trying to do, but I want to voice one concern with how you presented it, and then, also, ask a question. The concern is in fact, when you sort of laid out the categories, the three themes, and I would be concerned if your primary assumption is that the public access to the information is primarily for determining, allowing people to know about safety. It seems to me that the TRI conferences in particular have shown a wide array of different uses. Only one of them has to do with the public wanting to know more about safety. There are many issues about research, many issues about litigation. There are many issues about trying to figure out what is going on in firms and going on around materials, etc., and I hope that all of that is captured in what you are thinking about as far as public access.

The second thing is on your third one when you say, "Well, we have got a section dealing with burden," that makes it sound like data reporting is only an onerous and terrible thing to do, and it seems to me that we ought to, also, be thinking about the benefit to firms and the benefit to the economy of that kind of reporting and that one doesn't look at this as simply burden reduction, but, also, enhancement of our competitive capacity, etc.

So, don't just look at the negative side of that reporting. My question to you is really along the lines of, you may have been starting to speak to it, do you not run into any problems around confidentiality and sensitive data, and how are you, are you just not including the data systems that have any business confidentiality in them or are you and how are you doing that, and how are you integrating CBI kinds of information or whatever, and what are you doing about insensitive data?

MR. ABRAMSON: The first part of your comment in terms of broader issues than risk, I agree with everything you said, no problem there. For the sake of the presentation I tried to simplify down, and perhaps I went too far.

In terms of the use of the word "burden" reduction I

have to use it because that is the term that has been around for a couple of years. I, also, have problems with the word "burden."

In fact, we made a commitment a couple of years ago to reduce reporting volumes, and the agency committed to a 25 percent reduction in the number of pages in the Federal Register and so on and in the amount reported to us.

The baseline was reduced 25 percent, but the statutes that came afterwards have now led to a net increase in the volume of reporting for various good reasons, well and good reasons. So, I agree, burden is not the greatest word, but it is the word that is used in the parlance, and we wouldn't be collecting this information if we didn't really feel there was a public interest in having the information, but the theme, the basis behind that term, "burden reduction" is a perception that grew over the years that EPA was collecting more information than it needed at great cost and wasn't effectively using all that it collected, and I think those are fair questions to which we constantly need to be measured in terms of whether or not we are thinking properly about what we collect, but what we collect if it is valid certainly has tremendous public benefits to it. I agree.

The third part, CBI, confidential business information, we are not planning to link that to the system. There will continue to be a total separation and not firewalls but physical walls between our confidential business information systems and anything that is available for public access.

Publicly available non-confidential TSCA data will be available. The confidential TSCA data will not.

MR. ORUM: Paul Orum. It is very interesting, very important what you are working on. Just two caveats. I hope when you talk about burden reduction you will work to count and measure the burden reduction on data users because that is where, for that matter the data user includes the reporting facility in a variety of contexts because that is where the real progressiveness of what you are trying to do comes out, the real efficiencies are realized and then second, again on the same point Ken mentioned about is it safe, the alternate questions are is it needed; what are the solutions? Under the pollution prevention act that is, also, part of EPA's mandate to generate that kind of information.

MS. HARTMANN: Carolyn Hartmann from U.S. Public Interest Research Group. I have been involved in a number of the discussions around REI coming out of the common sense initiative, and I think one of the things that our community has raised over and over again and folks have touched on today is the issue of data gaps and what is missing, and there is, I think tremendous support from the environmental community to try to figure out how we consolidate reporting. Key ID has been something we are very interested in, but at the same time there is a great deal of important information that is not

being collected, information necessary to understand toxics being used in production, to measure pollution prevention, information on some of the most hazardous substances known to science, things like lead, mercury, dioxin that slip through the cracks right now, and we have brought up over and over again in the discussions around REI the need to take a hard look at what is missing, and I understand or am beginning to understand why it keeps sort of falling through the cracks at EPA.

There isn't really a point person or a division that is charged, given responsibility for what is not collected. There are lots of people looking at what is collected and how do we better manage that and how do we deal with those types of issues, but I think in these discussions we need to keep putting that issue back on the table.

At the same time as we improve how data gets out to the public, make it easier for industry to report, we need to be taking a hard look at what is missing, what information is not currently being collected that is extremely important.

MR. ABRAMSON: There is one place that is charged with thinking about these things and that is the Office of Reinvention. Chuck Foggs, Jay Benferato, Ed Hanley are some of the key people, and certainly keep asking those questions, and they are now in a position, and they have been empowered by the administrator to do something about it for the entire agency.

MR. FEES: We will take a couple more questions and then we will break.

MR. BROMLEY: This is Cory Bromley. I guess in goal of steering us back to what we are here for, I appreciate your discussion, and I think it is very interesting. I think there are some real issues out there that need to be addressed, and I think one of them is essentially that EPA communicate to you what we are going to be discussing, hopefully, tomorrow on the public dissemination of this information and how that is done, and that is a big topic we are going to be hopefully addressing tomorrow, and you guys keep contact on that, and hopefully we will get back to all that.

MS. SULLIVAN: Vicky Sullivan, Southern Company. I guess I have just one comment on Carolyn's comment. It seems to us that the data folks at EPA are in charge of making sure the data are all collected and available to the public, and that is good, but what data are collected it seems to us fall under the programs, and that has to come through the programs then to the information management people. So, I would I guess caution that we would like to see notice and comment on additions to data that are collected.

MR. FEES: One comment on that, if you actually read the substance of this Information Impacts Committee report this Committee, actually is advocating that EPA rethink how they collect that data in terms of having each program collect

the data and then pass it up. It seemed to me that the recommendation that they were leaning towards here is having sort of a central location for the data that each program has control of checking the quality and maintaining it but that you have sort of one office, this Information Management Office in EPA to help sort of coordinate those efforts. So, you don't have one program doing one thing and another program doing another thing. So, actually, I have found that this report sort of addresses some of those bigger data management issues, and you might find it interesting beyond a report of recommendations from a similar committee but, also, the topics, too.

MR. SKERNOLIS: I was just going to comment that regardless of how it is organizationally structured you still have to have statutory authority to collect information. You still have to go through an administrative process to get approval on how you collect the information. I mean no one is arguing about that.

MR. FEES: Okay, thank you, Allan.

Now, we are going to take a break, a 10-minute break, and we will come back with a public comment period.

(Brief recess.)

MR. FEES: We are now going to have the public comment period. We have four speakers. I think we will leave roughly 5 minutes for each speaker. If they have any handouts they should just pass them around to the members or just submit them for the record.

The first speaker we have is Bob Van Vorhees from CMA the underground production group.

MR. VAN VORHEES: I am Bob Van Vorhees, outside counsel to the Chemical Manufacturers' Association, Underground Injection Control Task Group. I wanted to just take a couple of minutes this morning to respond.

MR. FEES: Bob, I think there is a mike up there that you can use.

MR. VAN VORHEES: Is that better? Is it on? I will just take a couple of minutes to respond to information that has been brought to this Committee's attention at the last meeting and then was brought up again in the public meeting that was held here in Washington relating to incidents with underground injection wells that had been reported in various documents.

We wanted to wait until we had had an opportunity to get those documents and review them, particularly to see if there is any new information that wasn't known to us before, and the documents essentially report on a collection of incidents, and there are three documents in particular that rely on the same ones, a report by the Natural Resources Defense Council, one by Greenpeace and one by the Citizens' Clearinghouse for Hazardous Wastes.

The incidents addressed in these are incidents that occurred prior to 1984, and in addition to being discussed in

these reports, they have been the subject of three very major studies.

One of those was conducted by EPA itself, another study by the Association of State Underground Injection Control Administrators which was known at the time as the Underground Injection Practices Council, and a third study by the General Accounting Office that was done for Congress.

The results of those studies are reported by EPA in a document that I am going to submit for the record which is an October 1991 document called The Analysis of the Effects of EPA Restrictions on Deep Injection of Hazardous Waste and EPA reported several studies, some by EPA contractors and some by independent environmental groups that have evaluated the protectiveness of Class I technical regulations.

EPA has reviewed these studies and in addition to the agency's and states' review of the UIC program has concluded that current regulations are sufficiently stringent to protect underground sources of drinking water. Contamination of underground sources of drinking water by Class I wells has been rare.

EPA and states have identified two cases where injected waste contaminated USDWs and one case where an injection well was suspected of causing contamination of a USDW. All three cases occurred prior to the implementation of a state or federal UIC program. EPA has, also, identified eight cases where leakage from Class I hazardous wells entered non-USDW formations and two cases of surface contamination due to blowouts.

In addition to being studied in these reports, these incidents served and the concerns that were raised in these reports served as input to a regulatory revision process that EPA went through from 1986 through 1988, and it involved among other things a regulatory negotiation process where representatives from environmental groups, state regulators, regulators from EPA and representatives of operators of Class I wells sat down and put together a comprehensive set of revisions to the Class I underground injection control regulations.

Those were adopted in 1988, and as a result of those regulations and the changes that were put into effect EPA and the studies that have been done concluded that under current regulatory requirements the incidents that had resulted in some contamination previously could not have occurred, and that has resulted in EPA's conclusion that underground injection, Class I injection wells, is the safest form of disposal, and I wanted to just very briefly show you what the requirements are now, the layers of protection because a Class I injection well has multiple layers of protection.

The first thing that is put in is a casing right here that is used. The surface casing, there is cement put on the outside of the surface casing. Then this surface casing

runs down below the lowermost underground source of drinking water.

An underground source of drinking water is not just a current source of drinking water but under EPA's definition it is any aquifer that might potentially at some point in the future be used as a source of drinking water.

Then another casing is put all the way down into the injection zone, and under the new regulations there is cement, continuous cement down the outside of that. Then inside of that tubing is the injection tube. Between the injection tube here and the outer, the casing is what is known as an annulus which is filled with a fluid which is required to be at a pressure higher than the pressure within the injection tubing, so that if there is a leak in the injection tubing, the fluid will go into the tubing from the annulus rather than fluid coming from the annulus out of the tubing. These are the requirements that were put in place as a result of these changes. In addition to that there were requirements on the review that has to be conducted for any potential artificial penetrations that may come from other injection wells or other sources in the area that is going to be occupied by the plume. There is a requirement to review that within a 2-mile radius.

In addition to that, for hazardous waste injection wells you have to model the plume that is going to extend over a 10,000-year period and review for artificial penetrations anyplace where it will be encountered by that 10,000 year plume to make sure that there are not artificial penetrations, that there are not faults in the geology that could be transmissive of waste that has been injected and to make sure that there is not seismic activity in the area that could interfere with the injection well.

Basically what we wanted the group to be aware of is that this information has been known. It has been studied in great detail and in fact, resulted in significant changes in the regulatory program that responded to the concerns that were raised as a result of that, and that is how we have gotten to the place that we are today where EPA has concluded that it is a safe and effective technology for disposal, and I will put into the record a copy of the EPA report that I was referring to and make that available to anybody who would like to have a copy of it.

If you are interested, I can put the more detailed technical reports into the record. They are fairly voluminous, and I was trying to avoid cluttering up the record too much, but if you are interested in having them there and having them available, I will make sure that they are.

Are there any questions?

MR. FEES: Let me just ask are those reports in the record?

MR. VAN VORHEES: Yes, they are cited in the EPA report.

MR. ORUM: I have a question. In a previous edition, while not bound by previous activities of any committee in a previous rendition of this subcommittee, basically everybody agreed, including all the industry representatives that underground injection was a release to the environment. What has changed or have you changed your position and why between then and now?

MR. VAN VORHEES: The position hasn't changed. The position that we took before that group is the same as the position that we are taking now, and that is basically that it is misleading to the public to call underground injection a release to the environment because in a way the public commonly understands that term the expectation is that injected fluids are coming into the environment where they are immediately bioavailable, I guess to use the term that you used at the public meeting, and our concern is not that the information not be available to them. We have always said that the information should be reported. It should be reported under a different heading, both on the form and reported to the public under a different heading so that they understand that there is a distinction between what is being injected on an average of 3000 or more feet down into the deep subsurface and what is emitted to the air or discharged immediately to surface water. In fact, one of the pieces of information there was related to an effort for a group that is trying to encourage the use of injection wells as a substitute for surface water discharges because of concerns about protecting estuarine environments and sensitive surface water areas, and a number of states and EPA regions have tried to encourage that and have encountered difficulties because the public believes and has viewed this as a direct release to the environment, and it is because of those kinds of problems that we have sought a change in the way that it is being labeled and the terminology that is being used.

MR. ORUM: So, you agree it is a release to the environment but think that that is a term that is incomplete or misleading?

MR. VAN VORHEES: We don't agree that it is a release to the environment, but for purposes --

MR. ORUM: If it is not a release to the environment, where is it to?

MR. VAN VORHEES: It is a placement of the fluids into an injection zone which has been approved and permitted by the agency to receive the fluids. The environment as we understand that term defined in EPCRA(?) is the community environment, the biosphere, and we can talk all day long, and we won't agree on exactly what that definition is, and I think basically we have been told for purposes of this Committee's efforts that that is not something that is going to be resolved, and I will be happy to have a more extended conversation with you if you would like to.

MR. ORUM: Yes, I mean the definition includes air, land and water and the interrelationship between all living things if I remember correctly.

MR. VAN VORHEES: And takes into account what the objectives of EPCRA are which is basically to advise communities so that they can do emergency response planning, so that they can be aware of what is there and the environment as defined in EPCRA is the biosphere basically.

MR. FEES: Paul, may I interject here? We know that underground injection is part of the definition of release. So, I don't think you should really need to be going back and forth on that, and I think Marie has got a comment that may add something that will help your discussion.

MS DOA: I am just going to reprise my role from last time that we all met and just say that we have interpreted the statutory definition of release to include release into Class I wells and I think that whatever else people may think about it for the purposes of this Committee it is a release. It is clearly a release, and as I said last time this is discussed in the May 1, rule, 1997.

Thanks.

MR. VAN VORHEES: And my purpose for coming here today was not to reargue that but basically to talk about the information on injection well operation.

MR. FEES: Our next speaker is Kier Didier from the American Petroleum Institute.

(Comment off microphone.)

MR. FEES: You are not on the list to speak? Okay. It must have gone in on the sign-up sheet. Okay. Check your name that you are here. I have Rick Lattimer down to present.

MR. LATTIMER: Hi, my name, again, is Rick Lattimer. I just want to thank the Committee for changing their stance on substitutes. I would hate to see what few words I did speak last time be blotted out of the record, but anyway, I think it is important if someone cannot be here that some of their views be expressed.

Anyway I am just going to paraphrase some of the comments I made at the public meeting on November 13. I know a few of you were at that. I just wanted to reiterate a couple of things that I thought this Committee would be working on either this meeting or possibly a couple of other meetings.

Again, being from a pharmaceutical manufacturer, Eli Lilly I am taking the viewpoint of the reporter. So, the people actually filling out the report; so, these are really based on streamlining opportunities.

Now, I don't want this connotation of streamlining to make you think that we are proposing to delete anything that is currently being reported. I think what I am after are things that I call duplicative reporting, and essentially it is the relationship between Sections 5, 6 and Section 8 be-

cause I think from a plant site perspective I don't think it makes any sense to report the same numbers twice, and especially when it comes into some of the very technical rules it becomes very confusing, and I believe on the whole unnecessary.

So, basically I know this Committee has talked about some of these topics but overall I support the concept of just combining the current Sections 5, 6, 7 and 8, and I think there is a way of doing that where you only report the data once so that the current data are still there to be used. For example, states that use pollution prevention data would still be able to do their analyses.

So, it doesn't affect anything currently like maybe states or others analyzing the data would run into problems. So, in other words the redundant fields and certain informational codes that really aren't needed for the data analysis will be eliminated, but to do this I would propose one way would be to have four distinct sections and if you want to combine two of these for political reasons that is fine, but basically you will need four areas one, and again, I am sorry about the terminology, but I will just call it unmanaged release facility. Okay, so, define that as you want, but basically what I think I mean there is air, land, water, just direct releases.

The second category would be on-site and off-site transfers to land-based management units. So, again, maybe if there is a lot of debate of well, two is really release, just combine those two, but I think you can get all the pieces of information you need within those two categories.

The third category would be waste treatment information. So, there you report what you are treating both on site and off site. So, you would have, for example, if you have an on-site incinerator you would report the quantity treated and, also, if you send material off site to a POTW or an off-site incinerator all that information would be in one place. So, in other words, the sum of that section would be your waste treatment information, and the last area would be what I will call recycling energy recovery and pollution prevention. So, again, that is some of the waste or the hierarchy type of pieces.

So, then what that will do is you just report the data once. Now, what EPA can do is some of the specific reporting rules, and I will just use the metal compound guidance. What they can do is within the EPA database they can predefine some calculations for you. So, if you go to the CD-ROM for instance, all those calculations will be done for you. If you have software where you are generating the Form R data all those calculations would be done for you. So, you don't have to recalculate those. It eliminates a lot of possibility for errors for the reporter.

So, there are probably one-half dozen different

things that would be valuable, for example, total waste generated so that could be what is currently construed as the sum of Sections 8.1 through 8.7, but all that could be done for you just by adding up the appropriate data items from the four sections I just mentioned.

So, again, making that available and letting computers do the actual calculations I think would really help the process.

Okay, the second thing I would like to mention, I know there was some talk last time about reporting secondary waste treatment efficiencies. So, in other words, if you send --

(Cell phone interruption.)

MR. LATTIMER: Again, I will just give my viewpoint on reporting of waste treatment efficiencies off site. There were lots of good arguments for that, and I would support the concept of knowing, of reporting what actually happens when a waste is sent off site for treatment, but I think there are better ways of getting at the data than just mandating it be reported on a form.

For example, there was talk that EPA has standard treatment efficiencies at POTWs. So, again, let the database do that calculation. So, if methanol, for instance, if EPA determines 90 percent is the typical treatment efficiency, then use that 90 percent factor in the EPA calculations, and that way the data are available to everyone.

Now, if someone says, "Well, the POTW, we send stuff to is much better than that," and 90 percent is too low; it is really 95 or 99 or maybe they are worse. Maybe it is 70, but anyway if that is a real issue then I would suggest maybe an optional data element where you could override or attempt to override the EPA standard treatment efficiency.

So, I think that would serve two purposes, expand the amount of information available by making a standard treatment efficiency available but not increase the burden where it is redundant for everyone or most people to just put down that same number that 80 percent or 90 percent or whatever efficiency might be there.

MR. FEES: Just a few more minutes.

MR. LATTIMER: Okay. So, anyway those are two specific things. My comments go into a lot more detail, and I think the role of this group is really to look at the concepts, and I think if the concepts are there, then the actual technical nitty gritty can be worked out maybe in subgroups or just let EPA come out with some proposals further down the line, but I think reviewing the concepts is what is important here, and I am glad to see that a lot of these discussions are taking place.

MR. FEES: Any questions for Rick?

MS. FERGUSON: This is Susie Ferguson. If I understand the basic concepts you want the Committee to consider,

they are take a look at Sections 5, 6, 7 and 8 and see how we can eliminate the redundancy of the information so that you put your information in one time for the percentage of treatment reductions. EPA derives a table or other model to convey that information electronically on a process-by-process basis so we would have some standard values to carry through. Are those the basic concepts that you are laying out? Those are the two big ones I got.

MR. LATTIMER: Yes, I would, except I don't think I said, "Process by process." I think in a chemical-by-chemical basis, but I think if there are standards out there, let them be used with the database.

MR. ORUM: You covered many things. Let me ask a question about a little piece of it, about computers adding up the numbers, for example, Sections 8.1 through 8.7. It makes sense to have that in your reporting diskette. However, EPA has asked about how to tell the difference between production waste generated on site or received from other sites. Other people have raised questions about double counting.

Now, if you do have one number, 8.1 through 8.7, then all you need is a simple percentage, how much came from off site, but if you don't have that information on the form, doesn't that mean that you would have to provide that percentage from off site for recycling or energy recovery or other treatment, in other words provide the same number in a much more detailed fashion all the way down the line? Does that question make sense?

MR. LATTIMER: I think so, but I think you are interpreting that I am just saying, "Eliminate 8.1 through 8.7." I don't think I mean eliminate it in the sense that you will no longer have the data. I think the data will be integrated into what I call the four new sections, and so, you would be able to get it by tabulating the right piece of information the same quantities, the 8.1 through 8.7.

Now, the second issue you mentioned was a way to distinguish between wastes received from off site versus those generated on site, and I would support that, also.

I didn't really bring that up today, but that would make a facility actually split apart where waste came from, and in that case it would add some fields but I think that information would be valuable for pollution prevention purposes.

MR. ORUM: In other words, under your proposal you would find out for recycling energy recovery all the way down the line, on site, off site, 8.1 through 8.7, whether it came from on or off site?

MR. LATTIMER: Yes, I think that is an idea worth exploring to see because for example, Indiana uses the Section 8 data and they meet with several companies on an annual basis to review their annual data and look for trends and discuss trends with us, and I think a lot of times we see big swings,

and it is only because for one reason or another for a business decision we have changed where we might treat something or maybe we changed the way we treat something. So, the numbers are skewed from one year to the next, and by simply having the additional information of what came from off site versus what is generated on site we will get a little better picture for each individual facility's performance.

So, again, for the state level I think it would help that analysis as well.

MR. FEES: Thanks, Rick.

Our last public presenter is Rick Stulzer.

MR. STULZER: Good morning. My name is Rick Stulzer. I am the Director of Health, Safety and Environment for BP Chemicals, Incorporated. We are a division of British Petroleum, PLC, and we have been very involved in the community right to know programs and other reporting programs.

We participated in providing testimony in Chicago at the meeting held there and the Cleveland Roundtable that was held by EPA last week, and we do appreciate EPA doing that.

I just want to make a couple of small points and summarize a couple of points from the presentations I made. One of the things that has been a big concern to us and a big use of resources and staff time has been the amount of misunderstanding and misleading by the TRI data and the way it is handled by the press, the media, and I want to give a few examples of this and in particular in Ohio where we are headquartered a typical headline here, "Ohio rife with toxicity," when a very large majority of those are involved with underground injection wells which is part of our company's practices. We, also, see headlines such as "Chemical industry is a gas." In our case, our company has reduced our emissions dramatically over the last 10 years. We are now down to a point where our air emissions are less than 2 percent of all of our TRI as well as the water emissions. So, 98 percent of our emissions go down deep underground injection wells. So, that is really our issue, but we continue to see ourselves at the top of the list. We continue to see reports of we are the largest polluter, and this is the type of thing that we are very concerned about where release automatically gets mixed with the word "pollution" and therefore we get on the list of the dirty dozen in many things. We have had to spend an inordinate amount of time with the media and the community advisory committees around our cities and explain what these data mean, and I think we have actually seen some measure of success.

In the case of Lima, Ohio, we actually published an editorial a couple of years ago saying, "EPA data can mislead," and now even the editorial board at the newspaper agrees with us that it is misleading, but then it goes further because the environmental groups have been putting out reports using the data and in one case the Ohio Environmental Council

put out a report again summing up all the data on these releases, and they had a headline in the paper that said, "Tour mother never warned about," and it points out our plant as one of the places you can go to see the largest polluter in the Northeastern United States which is absolutely not true.

In another case just highlighted as of last week we now see environmental groups using it for fund raising. A petition has been sent out around our communities by one of the national environmental groups asking you to send in this petition along with your money, and we think that these are just several examples of how the data have been misused. We think EPA as the information steward needs to improve how the data come out and make it more representative of what it means.

We know that underground injection does not result in exposures. Ohio EPA has said that in their data release. US EPA has said similar things, but again we use an inordinate amount of staff time and resources to have to go out and communicate with the public and with the media and others, and I think we need to eliminate these misperceptions and using this stuff for fund raising and worst of all it takes away staff time that we cannot spend on pollution reduction.

Every hour I have to spend coming to these kinds of meetings I cannot be in the office planning more progress and spending my time wisely.

So, with that I just look forward to EPA improving the database, and a couple of other points we have made, and examples are we think the data could be handled that would improve things. First, EPA should help the public understand the relative risk as it relates to deep well injection by not summing it with releases to surface water and air. That totally misleads the public and they don't understand when you combine all that data what it means.

Another point is we should consider different categories for reporting. Class I injection is not enough, and it shouldn't be called unmanaged or uncontrolled. Words such as confined, contained, permitted, whatever, it has got to be presented in a different way, and lastly we need to continually explain the Class I deep underground injection does not result in exposures.

That is all. Thank you.

MR. FEES: Wilma, question?

MS. SUBRA: You made the point that you have reduced a lot and that only 2 percent of your emissions are now into the air. At the BP facility in Louisiana a couple of years ago I worked on a committee at Southern University, and we looked at the largest emitters into the air of Class A carcinogens of which benzene is one, and your facility had twice the benzene emissions into the air to the next largest facility. Now, since then you have reduced --

MR. STULZER: I cannot really speak to that. It is

BP Oil. That is an oil refinery. I operate two petrochemical facilities, one in Texas and one in Ohio, and that is all I can really speak to. There is a Director of Environmental for that, and I can refer the question to him.

MS. SUBRA: You have reduced but at the time you were twice the emissions of the next highest facility in the state.

MR. STULZER: That is entirely possible. I cannot speak to it.

MR. ORUM: Paul Orum. What percentage of your facility's emissions do you think are included in TRI?

MR. STULZER: What percent? Virtually 100 percent.
MR. ORUM: I mean, for example, when they did the Amoco Yorktown study, that is an oil refinery, they found it was less than 10 percent. If you are saying, "One hundred percent," your emissions are, in fact, reported under TRI.

MR. STULZER: Of regulated chemicals, yes, that is true.

MR. FEES: Any other questions?

MS FASSINGER: Yes, Joan Fassinger, GM. I understand that Ohio has some guidance documents out for use of TRI data. Do you have any experience with these, and what are your impressions of publishing such guidance for data use?

MR. STULZER: Extremely helpful. Ohio has been engaged in helping explain TRI data since the late 1980s when the first report came out, and we have found that to be extremely helpful because it is information that we can use with our community advisory committees. Around our two plants we have very large and active community advisory committees, and when we have our data releases every year we present all that data from the public. If they want to know about a chemical, they can call my office, and they can get a copy of the material safety data sheet or they can call to Chemtrek(?) in CMA and get that information. The information is readily available. Ohio has taken a step to try to show how you can use the available information in a more effective fashion.

Unfortunately a lot of US EPA's information is very old and outdated, and the states had to step in and update that. For example, they are using something called Trifax(?) that EPA had which was based on material safety data information from 15 years ago. I think that is a disservice to the public and an example of where EPA has got to do a better job as an information steward.

MR. ECK: Michael Eck, US Army. I think I appreciate your confidence in this Committee and what we can accomplish. I don't think we can stop headlines that you consider inaccurate or that provoke discussion as to whether or not certain toxic chemicals should even be used in this country. I don't think that this Committee can stop that discussion. I don't think that we can prevent the data from being misused, and I don't think it is in our scope to do any of those

things, and I say that not only in response to some of your concerns but just generally. I think that we can perhaps in EPA documents and perhaps on the form clarify some terms so that if a reporter is willing to take the time and is granted the column inch space and has the integrity that person can report in larger story and try to explain things. You may still find yourself as you put it wasting valuable staff time responding to community. I don't think there is a thing we can do about that.

MR. STULZER: I beg to differ. I will give you one example. Under that statute it requires that the Form R contain the annual quantity of toxic chemical entering each environmental medium. That comes right out of the statute. It doesn't say that you have to call it release. I am not disputing that injecting is included in the definition of release but when they put out the information they don't have to add it with the air and water releases which they do. Those are things that are in control of EPA. So, two examples.

MR. NATAN: In state fact sheets underground injection is not included in total release.

MR. STULZER: Not by itself. It is always on the same sheet where it is summed with it. So, on the same piece of paper, you have got two tables. Again, you are confusing the public. Why are you separating it? Why don't you present it on the table that is most useful to the public?

MR. NATAN: There is only so much that EPA or any of us could do to make somebody read the difference between the two tables.

MR. STULZER: The answer is you present one table, the one that is the most useful for understanding relative risks and summing it with air and water and then not summing it adds confusing.

MS. DOA: If I could jump in, however, EPA while you may wish that EPA did not interpret release to include underground injection to Class I wells, this has been the one ground rule here, is that we do interpret it that way. We have articulated it that way a number of times, and so, the issue becomes how to present information on releases which include Class I wells.

MR. STULZER: Hopefully I have given you a couple of examples.

MR. GEISER: I think I just want to reaffirm Michael's point here and that is that most of what you presented to us was a concern about how this gets misused, and I think that we are in the business of trying to look at how to present the data as well as we can for use, but what actually happens after that is a public democratic process out there. We in Massachusetts just saw a report come out this past week that misuses, from CMA that misuses the Massachusetts data. That is a perfect right of CMA to misuse our data. We feel it is important that people have accurate data, but what they do

with it beyond that is part of, I think a tradition in this country that goes much beyond what we are trying to do here.

MR. STULZER: I can say that in our company we are committed to quality principles, and part of doing quality things is understanding not only how can you improve but learning from mistakes and misuse of information. So, ignoring those misuses then we are not going to do a quality job by definition.

MR. FEES: I think that is all the time we have. We want to get on.

Thank you.

We are now going to move on to actually the topics of what we came here to discuss at eleven-twenty. Michelle is going to start things off, and then we are going to go into where we left off last time.

MS. PRICE: Michelle Price. I wanted to just talk briefly about the goal and overview of the next 2 days. Today we wanted to focus on following up from the discussions at the last meeting on Section 5, and we had some discussion as part of our discussions on Section 5 about what effect any changes in 5 might have on Section 6 or Section 8.

So, some of these options actually carry over and aren't totally limited to Section 5, but we would like at the end of today to have some kind of consensus recommendation, recommendations on the -- it doesn't have to be just one. It could be several recommendations about Section 5, and if we cannot get consensus on that, we would like as we talked about earlier to outline as best we can where the differences are and just figure out if we can come up with any common denominator or consensus ideas, and the way we wanted to do that which we will start in a few minutes is to briefly recap the discussion from the last meeting and give the people who put together options for us an opportunity to present what they had put together and so we can ask them questions if you have them, that sort of thing.

The goal of day 2 is that we put together an issue paper on the way EPA characterizes the TRI data, and we would like to spend tomorrow talking about that issue paper and going through any issues or outlining issues people have with data presentation and find possible recommendations for the agency on those issues. We, also, had a couple of folks, Cory Bromley and Sam Chamberlain put together some issues from their perspective that had in my view, my reading of them a lot to do with the characterization of the data, and Cory's we sent out via e-mail. Sam sent his to me by fax, and I made copies of that, and we can pass both of those out to add to that already outline some of the issues from some of the members' perspectives about how EPA characterizes the data and that can add to our discussion tomorrow.

If there are not questions, then we will move on and start talking about Section 5. Does anybody have any ques-

tions?

Susie?

MS. FERGUSON: I didn't see in the materials you handed out this morning what I had submitted. So, I'm assuming that when we get to convey our things to everybody else that I have got a copy of that and an overhead, that I can present it?

MS. PRICE: It should be in there. Let me see.

MS. FERGUSON: If it is, I didn't recognize it. So, perhaps the points I am trying to make need to --

MS. PRICE: Yes, I think we got what you submitted, and if it is not in here I apologize. It may not have gotten xeroxed, but we got it.

MS. FERGUSON: And it is your intent that we discuss that today?

MS. PRICE: Yes. Do you have a xerox of that that you could make copies?

MS. FERGUSON: Yes. Actually I did make copies.

MS. PRICE: Okay, great.

MS. FERGUSON: Because I didn't see it in the backup. So, I just wanted to make sure.

MS. PRICE: It should be. It may not have transmitted in the electronic version that we had. So, okay, great, but no, we had options from Cory Bromley, from you, from Joan Fassinger and from Rick Lattimer or Christine, and I am not sure which person is going to talk about that.

Also, Bob Steidel has put together an option on Section 6 which ties in with some of the stuff we talked about in Section 5 and Section 8. We wanted to talk about that option as well, and that is what we will do the rest of the day.

Does anybody else have questions? I thought I saw a placard go up down that way. No?

MS. SULLIVAN: Vicky Sullivan, Southern Company. I guess I am a little confused as to process. Bob Steidel had something that was handed around. We have something that was presented in the public meetings on Form R. It is covered partly by Joan Fassinger's proposal, but I am wondering if I can hand this around as well?

MS. PRICE: Yes, you can hand it around.

MS. SULLIVAN: It is not a major rework. It is the addition of one data element to current Section 5.

MS. PRICE: I think you can hand that around, and we can talk about that. What we are trying to figure out is how to allocate time for the people who want to explain their options that they put together.

Fern is going to facilitate this for us and has a breakdown on how we are going to try to do this. So, unless there are any other questions we will move on to that.

MS. FEIL: I just want to run by all of you that breakdown and see if it is feasible and would work for you. We thought we would give up to at the very most 25 minutes for

each person to explain their option and also take questions from everybody else and then spend the rest of the time, whatever is left after that, hopefully a while maybe using one of these options as sort of a start-off point or mixing them up and using that as a start-off point and trying to get some consensus on things we can agree on and, also, put down recommendations or you know, note things that we cannot agree on. So, at least by the end of the day if we use one or part of these things that we have here, we will have something to answer the question that they are looking for. Does that seem feasible to everybody? Does 25 minutes seem realistic? Are we totally off?

PARTICIPANT: Sounds good to me.

MS. FEIL: Sounds good? Okay, we are going to try to keep it to strict time guidelines then. There is about 25 minutes left right now before lunch. So, do we want to take the first one of these options? Who did the first one?

Just so you know, that was identified as modification 1 in the Attachment A that we had sent out to you all. So, unless he made changes from what he talked about today, that was what was submitted to us.

DR. BORDACS: He wants to add 2 seconds of comment, that is all. Okay?

MR. LATTIMER: Just to refresh everyone's memory of the context of when we were putting these together, at the time what I was trying to do is take various suggestions that were going around the table at the time, and I was trying to just visually put up there what was being discussed. So, one, two, and three are actually very similar, and there the concept is recognizing that things could be categorized by either uncontained or contained or whatever, uncontrolled, controlled, etc.

So, one, two and three are actually just various ways of presenting that concept of controlled versus uncontrolled. So, if you look at them, the first one, just report them in separate columns, and the second one you use a code to do it. I am sorry, the second one you report in two different tables, and the third one you just report by code. So, that is basically what those are, just to refresh your memory.

MR. ORUM: Paul Orum. Rick, is this for the purpose of changing the form or changing the way EPA characterizes the information?

MR. LATTIMER: At the time it was more for changing the, characterizing the data. This does not include the movement of Section 8 into this. So, this is really just kind of a first step.

MR. ORUM: A second question, isn't one of the basic issues here what you call these two groups? I mean here you have got controlled, uncontrolled. We have heard managed, unmanaged, contained, uncontained, direct, indirect. Don't we basically need to agree that there is such a distinction that

we could agree to before anything else on this approach?

MR. BROMLEY: I had presented that question last meeting, and I thought there was a consensus that there was a distinction. I presented that directly because I thought that was a very important underlying issue, and my recollection is that there was a distinction. Everybody agreed on that, and I pointed that out to EPA and the group.

Unless there is some change in position --

MR. ORUM: We had a discussion of a variety of terms. I think direct and indirect releases, direct releases, direct release and indirect release was the only one that came close. You know, I and others having objected to the idea of something being controlled, contained --

MR. BROMLEY: Not terminology but that there was a distinction, there was a reason for the distinction between them, not so much what you call it. That was the breaking down point, I think, is the terminology.

MS. FASSINGER: I would like to suggest that we go through the options first and perhaps through our discussion on the various options some of Paul's questions might, we might come up with some answers.

MR. FEES: Don't forget to state your name when you make comments.

MS. FASSINGER: Joan Fassinger. I was just going to suggest that is a nice segue into my presentation because I was seeking some non-value-laden words to kind of distinguish. So, if the group is amenable I would like to go with my option next, if that works with the time.

Rick, there was a clarifying question about your option.

MR. LATTIMER: Rick Lattimer. My intent there was because you have separate columns for uncontrolled and controlled, in air release I think by everyone's normal definition it would be considered uncontrolled. Is that what you mean?

MS. DOA: I agree. What you mean here is that people 5.4.1 should not pick, you would recommend they don't pick uncontrolled?

MR. LATTIMER: Correct.

MR. FEES: I might add probably on the form the way EPA has done it where it is just sort of like a blanked out area, sort of like a hazed in area that you cannot fill in, I guess just that ability to do that here, and just use the next to state that.

MS. DOA: Okay, thank you.

MS. FEIL: Susie, do you want to present your option? We have exactly 25 minutes before lunch.

PARTICIPANT: Excuse me, Susie, do you have a hand-out?

MS. FERGUSON: I do. I am going to hand out and show it at the same time. Basic background is rather than getting

into the distinction of confined, unconfined, controlled or uncontrolled as I understand EPA's approach to release, both disposal activities to the land and emissions and discharges would be all considered to be releases. So, I was subcategorizing under the broader term release the kinds of releases. So, you really have emissions and discharges and disposal, and the distinction in my mind is what is directly going to an ambient bioavailable, if you will environment versus what is going to planned disposal activity.

The other I think concept that I have here is that your disposal activities no matter how well we design them and how proud we are of them that I haven't met a technology that couldn't be abused and that you couldn't have a failure from given the right set of circumstances. That may be a very rare set of circumstances depending upon your operation and maintenance but in this concept you would capture releases from your plant disposal back up into releases to the ambient environment.

I haven't subdivided under your air emissions or water emissions but those categories as they appear on the form now would continue to be subcategories. You would have subcategories under those that you would now, but I focus more on land discharges and land disposal to try to give the distinction between the kind of activities I heard us talking about in the first meeting in a way that you could roll those up and portray them in terms of information that would make sense in my mind to the public.

I am assuming we could add another Section 6 to help make that distinction. If we couldn't add to the form that way I, also, rewrote it so it would all be under Section 5, but this, I think more clearly gets the distinction across.

This concept is different from, also, adding. I think you could very easily add another box in your air, water and disposal that indicates where these items are permitted to, if that information adds to the public, too.

So, those concepts are not diametrically opposed in my mind. That is another concept that could be overlaid, but this is just a different way to categorize the types of releases that are defined to be reported.

It would have new data elements in the failures of your disposal systems, would, also, be captured and put forward.

So, questions?

MR. FEES: David Fees. I have a question. Section 6 disposal, is that just meant to be those on-site disposal options as opposed to off-site disposal?

MS. FERGUSON: I think it could be both, and I am staying really flexible about how you craft the form to capture that. That might be boxes on site and off site in that area or if you need to do it as a different section for on site, off site you could do that, but the concept that I was

trying to get across was basically rolling up your releases in a little different way than we have historically.

MR. FEES: Would it be possible to retain it in Section 5 or is that automatically, I don't know, you said, "Tainted with the emissions discharges," and right now we have the title of Section 5 as quantity of toxic chemical entering each environmental medium. It doesn't even use the word "release" in there so that these disposals could be under Section 5 still.

MS. FERGUSON: I think you could organize the information on the form in 5 or 6. I think that is just kind of how you design your form. So, if I were doing it all in one, I would keep it all in one and then just subdivide it like one, two, three, four, perhaps. This would be another way to do some of that same information.

Instead of having it as a 5 and a 6, if you had to keep it all in one section you could do that same thing, David. The concept in my mind is not whether it is in 5 or 6 or some other section so much as distinguishing for what is now land release more into two different types of categories, land discharges that are more bioavailable from land disposal.

MR. FEES: Okay, I understand. Other comments?

PARTICIPANT: This is Option B?

MS. FERGUSON: Yes, and I am not as hung up on a current form. I always figure we can change forms which is why I was involved with numbering, but any questions?

MS. DOA: This is Maria Doa. I have a question. My question has to do with 1.3. Other could be further differentiated and, also, in thinking about other I don't see other landfills. Is that part of 1.3, and then could I finish this off by asking if then other must be different than the other that is currently on the form under Section 5. --

MS. FERGUSON: I was considering it as a category as an other different from what is on the form, and originally I thought landfills only, but I thought there might be other circumstances or other managed disposal that I wasn't thinking of at this point in time that could, also, follow the schematic. So, it was sort of a reserve. As the group talks it may think of other things that fit there and could be defined in greater detail. It wasn't meant to restrict the discussion but to expand it.

MS. DOA: Could I follow up and just ask why you wouldn't want other landfills specifically stated as other --

MS. FERGUSON: I would but I think you might have more things than just other landfills. So, you could have a 4.4 that says, "Other landfills." You could have a 4.5 that has other land management units. I was thinking more narrowly than broadly initially and I just broadened it out, Maria because I think there is a lot around the table that might add to that.

We had a great discussion on slag last time. Would

it fit there? I don't know. I think that is something the group would have to discuss.

MS. DOA: Thanks.

MR. SKERNOLIS: A couple of points. One, I think in response to Maria's question. I think a lot of us at least who come out of the RCRA context look at the RCRA regulations making distinctions of land management, okay, that aren't necessarily disposal facilities and at least leaving open the possibility that this could address the RCRA categories and do they fit well into this or not. I don't have any prejudices one way or another. I am just saying that that is kind of, I think some of the background some of us were thinking about when we looked at Susie's option that you can look at things beyond just land disposal where there is still a kind of a management unit approach to it.

The other thing is in listening to Paul's public comments that he made at the Washington meeting about direct and indirect which I think my concern is how those words are defined. You know, what is a direct release and what is an indirect release, and that could lead into another eight meetings of what is a direct and indirect release and at least where I, personally, was coming down on that in terms of trying to bridge what I thought were Paul's concerns with how we characterize these things and Susie's idea is the point that Susie touched upon which is the notion of an ambient availability, something that is in the ambient air, the ambient water or in the soil which is distinct from something that at least has some management process associated with it. It isn't generally bioavailable or one has kind of an intuitive or instinctive sense that this is not, that there is no kind of natural exposure or immediate exposure possibility.

That isn't perfect. I wish I had perfect words for this, but I think I wouldn't have a problem with direct and indirect conceptually if they had definitions underneath them along the kind of lines I am talking about where they are supported by something tangible like the notion of an ambient air release and ambient water release or the like because I think right now indirect and direct are just as confusing to me, and I consider myself to be educated in trying to read this stuff. I think it would be terribly confusing to the general public unless they had really good rigid definitions underneath them.

MS. FERGUSON: I like these terms, "disposal" versus emissions and discharges for that very reason. They didn't have a lot of that same connotation and yet if you go back to the act they talk about picking up what is disposed of in a landfill in terms of what is reported. So, it captures the information required by statute without confined, unconfined, planned, unplanned, direct, indirect. I think we could probably argue those words for months.

MR. FEES: Tom?

MR. NATAN: I like the idea of getting the amount

that would have been essentially leaked out of an injection well. My only caveat with this is that if one were to try to get total releases as defined under EPCRA you would have to leave that out of this edition.

I mean there is a possibility here of double counting, counting some of those twice.

MS. FERGUSON: I don't think you have to leave it out. I understand the concern for double counting, but you are relaying different activities. You are actually --

MR. NATAN: I understand that. I am just saying that that would have to be a clear caveat to using this form that you simply do not add all of these quantities together.

MS. FERGUSON: Yes, you may have to report releases versus amounts disposed. To me that is more accurate for my public. It makes sense. What is going to a landfill versus what is being leaked to the groundwater underneath the landfill I think are very important facts for that surrounding community.

MR. STONE: Jon Stone. I like the premise of this because as one who doesn't send stuff to underground injection wells, and I appear to be the only one here who doesn't, but I do send a lot of stuff to regulated landfills, and I count everything I send, and I am concerned that the regulated landfills are, also, going to be counting the same stuff that I am, and if I look at this, and I read this right, they will only report what I send to them that subsequently leaks out of that landfill, and it basically eliminates the possibility of double counting.

They will only be putting into their TRI what leaks out, not what I send them in that Section 5, and I like that for that reason.

MR. GARNER: I am not sure how you arrive at that conclusion. The only issue reported on is whether EPA has chosen to include you in the source categories that must report. It isn't a function of whether you report or not. So, any material you send out as a hazardous waste that eventually winds up in a hazardous waste disposal that facility will be reporting it.

I mean taking a leap forward if Susie's recommendation were adopted into regulation and change of Form R, we would be reporting it in that format as a distinct source category at our hazardous waste landfills.

If EPA chooses somewhere down the line to bring in commercial municipal waste landfills or public or POTWs or whatever they, also, would have to be making these distinctions that are assumptions based on this kind of subcategorization.

MR. CHAMBERLAIN: I think that the idea presented here by Susan provides the opportunity to avoid some double counting and in terms of the Class I injection well issue it, also, provides, I think the public the opportunity to know

that this technology method is being used as a land disposal and as Paul has pointed out in his comments and others about failures of deep well systems, you have an opportunity to segregate that out as a separate activity to avoid the double counting and avoid this misconception by the public that everything you do in a Class I well is a release.

MR. FEES: The way I saw how this would unfold for any given year there wouldn't be double counting because either there would be material that you would be putting down the injection well or for some reason some escaped it, but then it is possible that in a subsequent year, say, they didn't do anything with that well but some more material somehow escaped now as a release in the subsequent year, and now if you put that amount in the releases for that subsequent year, then that would be double counting across years, and I am not sure if that is an issue that we need to talk about.

MR. NATAN: I think they would find it difficult to know what material has leaked out. I think they would have a difficult time distinguishing which year it came from. I mean it could have been the stuff you put down yesterday.

MR. CHAMBERLAIN: Sam Chamberlain. In the Safe Drinking Water Act, in the regulations program if you have a failure of a Class I well, you are required to notify the agency within 24 hours and shut down immediately and make repairs. So, you don't have an ongoing failure system to continue to operate. You are required to shut it down, make that correction, prove to the agency that the system has been corrected and then start back up.

MS. SUBRA: I would like to respond a little bit to that but go back to the double counting issue. I think the double counting issue should not be an issue when you are talking about land disposal because what you send this year hopefully isn't going to leak out this year. Hopefully the facility where you are sending it is, in fact, secure enough that it holds it for some time. So, I don't think that is a double counting.

On the injection well, I think you have to look at whether or not it is leaking out of the well along the casing or by the packer as opposed to going into the formation and then in the formation then getting to another formation where it is actually contaminating.

One of the issues in Louisiana, we had some Class II wells that were used to dispose of brine from a leaching procedure and they in fact didn't fail. They pressured up the formation and every other well in the area started flowing water and oil and everything else.

So, in fact, it wasn't the well failing but there was contamination from all these other sources, and the agency told them to decrease the pressure so that they no longer flowed to the surface, but they are still contaminating the groundwater. So, how would you report something like this?

MS. FERGUSON: I would put it under 3.4. Don't be constrained by the word "failure." You could just say, "Releases into land as a result of underground injection Class I or Class II."

MS. SUBRA: Failure is usually the well failing, not --

MS. FERGUSON: Yes, but the reason I used failure is because that is what most people in the industry can picture and understand that activity to be, but if there are other types of releases from that activity we would try to define those, too. Again, this is a basic concept. It probably needs more work in terms of the specifics you pick up.

MS. SUBRA: Then I would have concern with the word "failure" because it is usually associated with the well itself.

MR. COMAI: This is Andy Comai from UAW. Are we talking about Section 8.8 or are we still on Section 5?

MS. SUBRA: Still on Section 5.

MR. COMAI: We are not talking about environmental releases?

MS. DOA: Maria Doa. They seem to be talking about intralands movement of materials that have been released as we interpret release. That seems to be part of it, and right now on the Form R it says that if there is intralands movement not to report it separately, but there is in Susan Ferguson's recommendation a separate element for I think intralands movement essentially, unless I misunderstood.

MS. FERGUSON: Do we have the ability perhaps to fax to Andy copies of the document so that he may not catch up with us immediately, but, Andy maybe we can get you something to look at?

My concept would be a categorization to better reflect a planned disposal activity from other releases and that is the basic concept I am trying to convey. It could be captured on the form a lot of different ways.

MR. FEES: This is David Fees. Before we go on, we only have 5, 10 minutes more to kind of do this. We don't want to get too wrapped up in details just now. I think this discussion that we are having sort of indicates that maybe we are starting to get something here.

I want to give the people who have their cards up a chance to speak, but the idea is presenting the option. We are going to present a few others and then we are going to go back and kind of work on these some more.

So, don't feel like you have got to get every comment in on the option. There are definitely issues to discuss about them, but let us kind of get the options out on the table.

Okay? Thanks.

Cory?

MR. BROMLEY: This is Cory Bromley. I think of the

double counting I kind of like this idea even though it has some issues I think associated with it, but right now under the present system if you reported the material going into the land disposal unit you never count any releases from that unit again. That under the present system is double counting.

I think this captures that issue in that if you have a release from a unit you now have to report it and so, I think there are some public advantages to that that I see that it may be a step backwards in some people's minds, and it has some concern to it, but at the same time it has some advantages to it that right now the present reporting doesn't seem to capture at all.

We report in one disposal unit and you forget about it from that point on under EPA guidance. So, I think it has that.

As far as Maria's points, talking about that other, I think I would make a suggestion. What I had done in my presentation is that I added a column for an activity code. So, you could have a code for what that other designates whether it be a land -- other landfill or some other type of unit that isn't listed out, and that way we don't have to have a litany of different things. Other would have an activity code associated with it, and you could then define it that way. That is just a suggestion maybe to put out on the table, and I think the other one that Susie mentioned is maybe putting something down there saying that there is this under regulatory oversight or has it been studied as another column or something that further defines, saying that that defines that other or what is going on with those individual listed units, and that is it.

MR. FEES: Paul?

MR. ORUM: Paul Orum. Two things. One, I am very skeptical about the ability of underground injection wells, RCRA landfills, slag piles, people who dispose of combustion waste to tell you that they really know what comes out of those places where the disposal is put. I think that once you send that stuff out to the bottom of the injection well you don't really know where it goes until it turns up later or doesn't.

Second, I think the overall terminology is still very important, what we are talking about. I mean planned versus unplanned I think all of these emissions aside from the accidental ones in a certain light are planned by the choice of the technology and so I throw that caution.

MR. SKERNOLIS: Ed Skernolis. I would like to do two things. One is support what Cory said about if I may be so bold to say that I think it would be of enormous public advantage to have these distinctions made. I would like to be able to answer Wilma's questions that she raised earlier about air emissions from sources.

If it is a hazardous waste landfill and you have a

disposal you never capture that information under the current system. I think what this system says is you can know, and you can make those distinctions by having this kind of information available to you and your constituents. So, I don't see why the public is ever disadvantaged between making the distinction between an air release and a groundwater release and a land disposal release, and I won't quibble with management unit concepts or whatever right now.

The other thing is I would certainly want to take exception that hazardous waste landfills are any less informed about what leaves that landfill than any other industrial process in the United States.

We, also, have NPDES permits for our leachate(?) collection. We, also, have Title V Clean Air Act permits and emission factors and models which we have to use to judge what the kinds of emissions are that emanate from our land surfaces, etc., and all of those are just as valid an estimation method for releases coming from those facilities as any other emission factor-based process or measurement process available to other industrial processes.

I won't speak for underground injections because I don't know that much about them but I think certainly the information is available, and there, just as it is for any industrial source category.

MR. REIBSTEIN: Just a short point. Rick Reibstein. I think we have some difficulties in accountability of the hazardous waste disposal facility to its customers. If it is not within your control, I think this issue is a difficult one.

We have the problem in Superfund of allocating responsibility for clean-ups, and we know how difficult that can be. I think if you are going to see a leachate plume from a disposal site how are you going to sort out which customer is responsible so that they can do the kind of Form R reporting we are considering here? Maybe I am missing something.

MS. FASSINGER: Rick, I think that will be addressed with the new expansion, and the facilities that are managing the waste will now be reporting those releases. They will be covered, and that has been a missing piece that we haven't had before. Under Superfund any activities that are subject to other regulatory requirements are required to report under those requirements. So, they should, also, be pulled in.

MR. REIBSTEIN: That means that the original source of the material that is sent to the hazardous waste disposal facility will not be responsible for estimating what is then emitted from the transfer site?

MR. GEISER: This is Ken Geiser. I was going to ask a question which I think may lie at what may be a confusion itself, and that was I was reading that under Option B, a facility reports on its land disposal only the land disposal under its control. This is not -- okay, then I think Rick's

question is real.

I had managed to convince myself this question was moot because it was all about how is it that a facility that reports on a discharge, I think your question to a RCRA landfill then is informed about that same year, the fact that their waste moved off from that facility and that they account or apportion that part that did from there. It doesn't make sense to do it that way.

MR. SKERNOLIS: I am not sure what your image is of how, Ed Skernolis. I am confused by the questions. If 10 companies send me a hazardous waste with lead in it over the course of a year, and I meet a threshold quantity I will be required starting next year to report the total amount of lead I receive and report it on Section 5 in the land disposal RCRA Subtitle C block, whatever it is called at that point in time.

I have records which could show me approximately since, remember, the generators do not have to report TRI concentration data to me. They simply have to report hazardous waste information, but we can approximate what the share is if anybody would ever ask us or anybody wants to go in and analyze that data.

If there is no lead released to the air or groundwater or to the surface water from that facility based on our measurement systems, zeroes would go in that column. If there is an air release of lead particulate matter of 5 pounds a year to throw a number out, and don't quote me that that is what we emit, and I have an air permit for that, and we have estimated that, then I have to put 5 pounds on my TRI form of a release from my facility and that is not apportioned by any of the generators who come in, and I am not sure what the value is to anybody to think about apportioning that since it is fungible.

MR. GEISER: When you say, "In my," who are you?

MR. SKERNOLIS: I am sorry, the waste management facility, the hazardous waste management facility.

MR. GEISER: But what about the generator?

MR. SKERNOLIS: He has reported. He has already reported as a transfer to me.

MR. GEISER: Right, but then if it is discharged by you as failure at your landfill, then you are to report that.

MR. SKERNOLIS: I do.

MS. DOA: Could I ask a clarifying question, because I am totally confused? I am sorry. If this is on-site releases versus any sort of release, I mean we pick one or the other? It has got to be one or the other.

MS. FERGUSON: You have got to decide how to then overlay an on-site, off-site structure over the differentiation here. My concept was keep it as simple as possible and that is the idea I had is what Ed is saying. If it goes off site to Ed, that is what the generator reports in terms of the total volume going to Ed. If Ed subsequently releases, that

is what Ed reports. If I am an on-site facility with an on-site landfill, I may have to report both, but we can work out in the form how that is conveyed.

MR. CHAMBERLAIN: For the record, for the minutes, I would like to respond to Paul's comment in terms of we do know where the wastes are going to in Class I injection wells, and Class I injection wells are the most stringently regulated program that EPA has, and we have the safeguards built in such that when a failure of a well does occur we are required to respond immediately.

Your point about we don't know where the wastes go, we do know where the wastes go.

MR. ORUM: If I can just follow up this point has some clarity. You mentioned a failure, but I am talking about what goes out the end of the pipe into that injection zone.

How do you monitor where that goes? Those are monitored by, we submit computer models to the agency that require us to define where that material is going as we inject it. When you talk about a failure of a system I am talking about failure of the safeguards that are put into the system, like she was talking about earlier about the packer leaking, the packer having a problem. You are required to shut down and fix that, and we would report that as a failure if necessary as part of this program.

MR. ORUM: But basically you are saying that you have computer models where you think that material is going, but you don't really have any idea where it is really going or if your model is wrong, and how would somebody else double check on that?

MR. CHAMBERLAIN: That whole model program is open for review and comment by professionals all across the country. It has been thoroughly reviewed. In fact, EPA is required to review it themselves. Sam Chamberlain responding.

MS. FASSINGER: Joan Fassinger. I would like to add as far as basing estimates of releases on models this is commonly done in industry for many, many releases now. Not every constituent is monitored. Some are monitored. Some are based on modeling. Some are best engineering judgments. So, the reporting of these releases by waste management facilities would not be a lot different than what currently has been done under TRI for several years.

Wilma has had her card up for a while.

MR. FEES: Yes, before she goes though I want to say that to fairness to the other options we are going to need to let the other options present and go to lunch and then come back and present.

These discussions can go on once we sort of decide which option do we kind of want to run with and which option do we want to take elements from. So, don't anyone put any more cards up. I think we have got two more cards; you know, unless you feel so compelled to scream out and I cannot put my

hand over your mouth.

Wilma?

MS. SUBRA: Wilma Subra. I have concern where we are talking about whether it is an on-site release from a land management unit or at a commercial facility. If an industrial facility is sending waste to a commercial facility, they need to know whether or not their release is occurring, say, into the groundwater or into the land from those facilities.

There needs to be some accountability so that the citizens can then look and see, well, this company manufactured this waste, sent it off to Ed or his competitor, and one of those is leaking a bunch more than the other. So, it is a potential to be again released into the environment.

So, I think there needs to be some accountability back to the facility that actually sent the waste out in the first place.

MR. BROMLEY: I guess to respond to that, Cory Bromley, sorry, there is already accountability because the waste management unit is going to be filing that, and that information will eventually get back to the source people either under CERCLA or whatever, but the form presently is under a facility specific basis, and we are talking about a whole different change if we are starting to report for other entities that we have no control or no information from, and I don't think that is the purpose here is to still keep it as a facility-specific basis.

Now, the waste management unit, if they have leaks, they will have to report that information through CERCLA or through some other program or through their own litigation or whatever. It will get back to the generator so that there is the accountability.

The second point I wanted to do is I guess address Paul's issue. That form, the way I read it from Susie's is you would still have the data that are coming out at the end of the pipe in the underground injection well. That is listed as the, I guess it is under 4.3.

So, you would have that information, what is coming out at the end of the pipe, and then you would have additional information which you don't have now if that system fails and there is something that could be reported as a leak such as 3.4. So, I think you are getting maybe even more data by this thing. It sounds like both of you will have that information available to you and you can manipulate it as you see fit.

MR. ORUM: I understand the advantage. What about a slag pile?

MR. BROMLEY: I see that the same way. Right now under the present form it would be reported once it is laid down in the pile and never looked at again. If it leached out under the present system of TRI, you don't have to worry about that because that is called double counting under the present system. Here if it leached out we would then have to report

up in that release to groundwater from a land disposal activity or whatever, a failure of a system or whatever it would be.

MR. ORUM: This is Paul Orum again. What sort of monitoring do you have of slag piles in the mining industry?

MR. BROMLEY: Right now under Arizona APP program, the Aquifer Protection Program we have networks of groundwater monitoring that is required as a permit under Arizona programs, and so that would be detectable under that situation.

MR. FEES: Let us take a break.

(Thereupon, at 12:11 p.m., a recess was taken until 1:20 p.m., the same day.)

AFTERNOON SESSION

1:20 PM

MR. FEES: Let us get started. I know we don't have everyone here but we may be a while before we do have everyone here. It turns out we only have one person here who has one of the options. So, Bob is up. He has the sort of POTW option that I think we all got a copy of.

MR. STEIDEL: Okay, that means I win because nobody else is here, right?

MR. FEES: Right, move to the head of the class.

MR. STEIDEL: Everyone should have a one-page Section 6.1. This is Bob Steidel. This is actually pretty much verbatim out of the Form R. The only addition is the four columns 6.1.A.1.a. The four columns to the right are the additions. The existing two columns were the total transfers. The next two columns are going to be the total transfer treated and the last column is the net which is the subtraction between the two columns. The nice thing about the instructions to Form R is everything that is necessary to do this was already in place.

There is nothing new, unusual, hopefully controversial, but it is what we talked about at our last meeting which is to put the net for a treatment ability for an off-site transfer. Everything else stays the same. The codes in the instruction MCE and O very well speak to how to estimate or what the basis of the estimate is of the treated quality, quantity. EPA already has emission factors, already has guidance out in the water program under the general treatment program that can be used if someone does not want to generate his own data. This will require a partnership between the source and the POTW to come up with this information, but I think it is an appropriate partnership that should be available, and since I am not a big fan of totaling anything, I didn't tell anybody where to total what they wanted to. You can do with this data what you wish or the reporters can. They can total where they wish.

So, if someone did not want to take advantage of any information their, I guess total transfer would be 6.1.A.1, and if you wanted to take into account the treatability of

their POTW then they would be reporting their net release over in 6.1.A.1.b and that is simply I think, again, how we discussed it last time and just on paper for your consideration.

MR. ECK: Mike Eck, US Army. As a wastewater treatment facility representative, do you anticipate problems with one facility signing and certifying treatment efficiencies and essentially releases for another separate facility not under its control, both with the difficulties that that might imply in any partnership between me transferring to a POTW and, also, the impacts to the TRI database where I am no longer reporting my own facility's actions, I am reporting another facility's actions, basically I am reporting another facility's treatment efficiency without regard to whatever might have happened during the year or actual treatment efficiency?

MR. STEIDEL: You are going to be reporting an annual treatment efficiency. You won't have a day-to-day database. Is that your question?

MR. FEES: Could I paraphrase, Mike, or try to?

MR. ECK: Please do.

MR. FEES: The fact that this means that the reporting facility is actually reporting on treatment that another facility is doing and those releases are not releases from the reporting facility, is the flip side option to have POTWs report, and then they would be reporting receiving stuff in, doing whatever treatment and then releasing and then all those activities would be on-site activities? That lends a whole new concept to the idea of transferring information from an off-site facility back to the original facility.

MR. STEIDEL: Correct, and if treatment works provided this information, and there are lots of logistical problems with that, but that is double counting again. You want to be able to provide the industry the ability to take account of the treatment that takes place for their off-site transfer. So, if you have the plant itself, the treatment plant itself do the reporting, then you don't have the ability for the individual discharger to net out what they have been able to receive treatment for.

MR. FEES: The amounts that are sent to POTWs are not ever included in releases from a facility, it is my understanding. If someone is doing that to the numbers, the numbers from a facility, then I haven't seen it, and I don't think that would necessarily be fair. I mean you might say that you are releasing this material to the POTW, but it is not included like in total releases, you know, air, water, land.

MR. NATAN: No, it is always included in total off-site transfers.

MR. FEES: Off-site transfers, yes. Off-site transfers is different than on-site releases. When you start lumping those two together, I mean that is abuse of the data that I, personally, would not subscribe to, but you know, calling

that one number release and if this approach is sort of to somehow get credit for treatment because otherwise it is being called a release just like the on-site release is, then maybe you have an issue there. I didn't realize that the data were being represented that way.

MR. NATAN: It isn't.

MS. DOA: This is Maria Doa. In Section A you get credit. You get unwarranted credit for these transfers to POTWs as all being treated because of where they get reported when depending on the chemical almost all of it could be released.

MR. FEES: All off-site transfers give you that credit.

MS. DOA: No, it is different because off-site transfers, you say to the best of your knowledge if the chemical is being sent off site for the purposes of recycling, the purposes of disposal, the purposes of energy recovery or the purpose of treatment for destruction. Here you are sending it off to a POTW which treats the stream and that. So, you right now act as if all the chemicals in the stream that are being treated are being treated for destruction essentially. That is the way. So, there is sort of an unwarranted -- on the other hand, some people may include it as a release because of this lack of specificity.

MR. FEES: Dave Fees, again. The lack of specificity is that the POTW is sort of like a generalist, and it takes everything and treats it, but you have some wastes going to an off-site facility that, also, has biological treatment, whatever M61 or whatever essentially is doing the same thing. So, maybe overall the efficiency of the POTW might be less because they are not really geared up to do that waste activity. Is that what you are saying?

MS. DOA: This is Maria Doa again. If you know, if you are sending something off site to an M61, but you know it is not being treated in Section 8, you should report it appropriately to the best of your knowledge.

So, if it is passing through or it is volatilizing totally, that is 8.1 of the total quality released, and I think what Robert is getting at here is maybe this is the one thing on the form that is sort of treated differently from everything else, and it was something that EPA before me I think realized was an issue but because of the Pollution Prevention Act being stuck in limbo forever never was sort of handled.

MR. NATAN: I have a question. Tom Natan. I would like to, what I would want to see is if you are actually sending to more than one POTW, I would like to see the amounts that go to each one. Why isn't that, well, this form doesn't reflect that unless --

MR. STEIDEL: This is Bob Steidel. Yes, that would be fine. I mean that would be a totally appropriate way of

reporting the data. I am saying that this is just how it looks right now.

MR. FEES: Cory?

MR. BROMLEY: Cory Bromley. I guess I had a question for Tom. Are you saying that all transfers off site should have the individual facility?

MR. STEIDEL: They already do. POTWs are the only ones that don't. There is one number reported for total POTW transfers right now, and then you list the POTWs to which it is going, and it is impossible to tell how much would go to any particular one.

MR. ORUM: Paul Orum. I am very interested in what you are talking about. It seems very helpful. We did have discussions with a lot of different other groups where basically a number of environmental groups came down on having the POTWs report. That is what they wanted, and there is an important advantage to remember to doing that. It is that not only do you get information about TRI reportable facilities, but, also, you get information about the pass through and destruction of all kinds of other facilities that send materials to that POTW, and we know that the TRI facilities can be just a small percentage of the overall facilities in a certain area.

MR. STEIDEL: Bob Steidel, again. Just to respond to the ability of the POTWs as a group to report, there is not enough money in the world to make that happen. The problem is that a POTW does not control what it receives. The only TRI chemicals being used by the vast majority are chlorine. So, if you want chlorine reported that is where you are going to get most of your information from.

The ability of a POTW to understand what is coming into its influent and what is being treated and what is going out in the effluent is basically a function of the size, the complexity and the amount of industry discharging to it. POTWs aren't subcategorized. There is only one category of POTW. Using this method here you will get information from many of your large POTWs and your industrial POTWs. You won't get them all in this round. I believe this is the place to start. There is more information that can be provided as the future goes along but right now given what type of regulatory information is being collected by POTWs you will not get what you are looking for.

MR. ORUM: Paul Orum, again. You have pointed up a major hole in our regulatory system.

MS. DOA: I just have one little thing. It is a point of clarification, and it might be extraneous but an interesting thing about POTWs and the transfers is that for transfers, other transfers than 6.2 if you don't know the ultimate fate of that chemical, you are supposed to report M99 which is a disposal code.

This, on the other hand, currently takes you to the

opposite way. If you don't know the fate, instead of treating it as disposal or release, you treat it as treatment which -- sorry, that was Maria Doa.

MR. SKERNOLIS: Ed Skernolis. I have a question for Maria. I thought I heard you say in your explanation of how this works, that implicit in filling out Form 8 is to do what Bob is suggesting you do explicitly in Item 6. You said that if you have knowledge that you are only getting treatment for a certain part of it or if you are not getting any treatment you are supposed to report that in 8.1 anyway as a generator.

PARTICIPANT: For on site.

MR SKERNOLIS: No, that is not what I heard Maria say. That is why I am asking for clarification.

MS. DOA: If you are sending something off to 6.1 to a commercial wastewater treatment facility and well, let me step back? In Section 8 you are supposed to report the ultimate disposition of the chemicals. In the past we have treated everything as well, just treat it like treatment. You know, we have changed this on the metals because it is impossible. There is no regulatory guidance on much of Section 8. Because there is no regulatory guidance on much of Section 8 technically you should be reporting things where you know they are ultimately disposed of, but you have to use your own judgment on how you report them. Maybe if I put it that way, and there have been from the cognoscenti on this, there have been some error codes, and we have tried to remove that so that you can report what you think is your best knowledge for that until we go out with the regulations. I hope that helps.

MR. SKERNOLIS: I understand the distinction you are making, but I think it affirms my question which is at least in a perfect world 8.1 would already reflect the numbers that Bob is trying to parse out with this further differentiation of 6.1. That is all.

MS. DOA: I agree, and in a perfect world people will be doing that, parsing between 6.1 and Section 8.

MR. FEES: After Paul I would like to move on to the next option. I think Bob sort of laid it out pretty well what he had in mind, and we can kind of pick it up when we decide what kind of options we want to work with.

Paul?

MR. ORUM: Paul Orum. One other POTW related option, perhaps it is a question for EPA in other areas there is supplier notification in order to help facilities fill out their TRI forms and to understand what is in the products that they are using. Could EPA use a similar approach to establishing what is coming into, better information than what is coming the POTWs?

MS. DOA: I think that we could possibly consider a similar approach although we cannot use supplier notification because supplier notification doesn't apply to waste. It applies to mixtures which exclude waste.

MR. STEIDEL: Also, to clarify that, this is Bob Steidel, the general pretreatment program already requires that information to be submitted annually. That information is already within EPA on what comes in to POTWs.

MR. ORUM: Let me follow up then because before we had a discussion where we said that you couldn't find out what was coming in.

MR. STEIDEL: No, I said, "Going out."

MR. ORUM: Okay, thanks.

MR. FEES: Dave Fees. I think we can move on to the next option, and that is going to be Cory's option on Page 4, modification No. 2.

MR. BROMLEY: This is Cory Bromley speaking. I want to, I guess, present this in a little different way because I am not going to stick to what I put through here.

The overall purpose of what I would like to propose is to make sure that it is partially related to tomorrow's subject of appropriately disseminating information that is useful and accurate to the public and I at first attempted to do so in following up on our meetings and our discussions to, again, put an adjective to describe the distinctions between releases. I think that we have gone a little bit past that, and I right now after seeing what has been presented this morning by Susie would tend to favor her approach with a few modifications which have been touched upon in the discussion of her form.

I would go with her form and add a column that has the activity code for that other which I discussed earlier and I would add to it a column -- would you pass that around, Vicky, that Vicky had passed around on her option that says --

MS. PRICE: Cory, are you on Option A or Option B?

MR. BROMLEY: Either one of Susie's, but on the proposal that Vicky passed around that had as the last column check-off boxes that say, "Subject to federal or state regulatory action." So, I would put that column in addition to Susie's approach. So, basically my suggestion would be to instead of going with what I had put as confined releases and unconfined, I don't think we are going to get anywhere with those value-laden terms, push it off over to Susie's approach and add a mixture of mine which has the activity code to describe that other category and to add the other column that Vicky put forth on the subject to federal or state regulatory action. That would be for Section 5.

The other thing I would like to, I guess, highlight, on what I had put together was on Section 8 is to add a new category which would be 8.8B which is on Page 5 of that hand-out that EPA sent around which would put down the amounts that go into disposal category that Susie put forth.

So, if it went into a RCRA subtitle C landfill, that is where it would be entered instead of on Section 8.1, the reason being is that the, say, for the Subtitle C landfills

they have no control necessarily on pollution prevention of what they are getting. That is their business. They get it. They don't have a control on source reduction on that situation. So, that is where that amount would be entered rather than on Section 8.1.

That is basically my modification of my proposal.

MR. FEES: Questions?

MS. SULLIVAN: Vicky Sullivan. Cory, in retaining 8.8B, would you change the language to say, "Quantity released to disposal practices or something like that"?

MR. BROMLEY: Yes, it would be consistent with the language that Susie's form had.

MS. FASSINGER: This is Joan Fassinger. I have a question on the subject to federal, state regulatory action. Does that mean permitted or something, a release regulated by consent order or would that include a CERCLA release that is considered uncontrolled one-time release; what is the differentiation there?

MR. BROMLEY: I believe my view of that would be yes. On the last one I am not sure. My view would be that if it is subject to some type of regulatory action or has been studied and they have determined that this is an appropriate method of disposal; it has got the management characteristics in it, that would be there. Now, the CERCLA uncontrolled release of a spill are you saying or something like that, that would be not included. No, that would be under 8.1.

MS. FASSINGER: I guess the question is what does regulatory action mean. To me action means if I have an uncontrolled release I need to call and provide notification to --

MR. BROMLEY: If it is a spill like that, no. That is not -- that is an intended --

MS. FASSINGER: Okay, so maybe it is the terminology. It is permitted.

MR. BROMLEY: It is a permit, a consent agreement, some form that they have looked at and give some type of approval or consent to that type of disposal, not something that is a spill or accidental release or anything of that nature, and that would not include -- yes, it would include under permits. I was thinking, never mind.

MR. FEES: Ken?

MR. GEISER: I understand the solution. I am trying to understand the problem. Can you say why this "subject to regulatory action" is important and what does it offer? I am trying to think of the facility's sort of noting that it does a water discharge and then indicating that it is not subject to regulatory action.

MR. BROMLEY: The problem that I see and again it goes back to what my first statement was, it is trying to give accurate meaningful data to the public. If you picked up that newspaper article that was passed around at the last meeting

that gave the top 10 polluters in Chicago in the first paragraph it mentions in there need for enforcement action or some type of regulatory review. It may have already gone through all of that, and it is not in need of it, and it hopefully gives an indication that it is under permit or is under some type of regulatory action such that a newspaper reporter or the public doesn't jump to that conclusion immediately that gee, that is a big number, but it is, also, subject to regulatory action, a permit or whatever that therefore their conclusion isn't immediately that the regulator should be out there knocking on the door saying, "What is going on?" That is the problem I see, and that is a way to address it in the form, a modification of the form and to be able to relay the information that gives the public more information about that particular release.

Now, if it wasn't subject, if you didn't check off on that box that obviously places a different picture as to that release.

MR. GEISER: But I understand that problem which is trying to indicate to the public that the releases reported on my form are all under regulatory control. That is a useful thing to say, and it might be useful to say that in a much more powerful way at the top of the form rather than a burdensome thing of having to on each line indicate that --

MR. BROMLEY: Each one may be different. I think if we tried to group it in one thing that is going to be very difficult.

MR. GEISER: So, then how does your reporter sort of differentiate? He goes through and adds up only the ones that are subject to, I mean it just seems a very complicated aggregating and disaggregating -- it seems like a clumsy solution to an important problem.

MR. BROMLEY: I think you highlighted a separate problem of potentially aggregating those releases, air, water and land when that is maybe not appropriate.

MR. GEISER: By the way, this was Ken Geiser, sorry.

MR. COMAI: I appreciate that, Ken.

MR. GEISER: Thank you, Andy.

MS. SULLIVAN: May I clarify? This is Vicky Sullivan. I think we are sort of discussing my option. I just would like to clarify that I am not proposing that you aggregate your regulated releases separately. I agree that would be an additional burden. What we are proposing here is a check box that you check whether it has been regulated or subject to regulatory action. I do not feel that that is an excessive burden as a reporter.

MR. FEES: Ed?

MR. SKERNOLIS: Ed. Skernolis. Two clarifying points, and I guess these are more questions than statements. One is that given the fact that you would be looking at a prospective list of contaminants that would be far greater in

many cases than the regulated contaminants that might appear in an NPDES permit, those don't necessarily get brought along in the waste stream. In other words, we have RCRA waste streams that are regulated for a set number of constituents that may contain hundreds of other constituents in very minute quantities which don't get reported as regulated. Is that correct? The RCRA waste stream might be regulated but all the constituents which is what this Section 2 is based on are not regulated simply because they are part of that waste stream.

MR. BROMLEY: This is Cory Bromley speaking again. I would say that is true, but your whole unit is subject to regulation for not specifically that particular constituent necessarily, but it is designed to contain all the contaminants in that unit. Those may be below even though you are reporting on them under TRI, they may be below regulatory concern under RCRA. They are still, it is in your mixture of your material, and if your system, I assume is not looking at TRI chemical specific; it is looking at the waste as a conglomerate.

MR. SKERNOLIS: But then a more accurate presentation is not that this chemical is regulated but the unit that is managing this chemical.

MR. BROMLEY: That is the way I have been approaching that, yes.

MS. SULLIVAN: I guess my concept of that was that the chemical itself may not be in your MPDS permit, but if you reported that chemical on your MPDS permit application and EPA or the states in reviewing it decided that that chemical was not released at levels that would pose a hazard to water quality standards and then they didn't give you a permit limit for it, then I view that as something that can be checked here.

MR. BROMLEY: Yes, I would agree with that completely.

MR. FEES: Paul?

MR. ORUM: I will pass. Come back to me.

MR. FEES: Who was next?

MR. REIBSTEIN: Just a quick comment. This question subject to regulatory action does make me curious as to whether or not there was enforcement, whether there was compliance. Just knowing that it was subject to regulatory action isn't enough for me. I would like to then know were we in compliance. Also, it is very broad. Some regulatory powers are quite broad; under hazardous waste even if it is not listed or characteristic the head of the agency still has the power to address something that meets the definition of hazardous wastes representing those dangers, the same under public health. So, it is kind of broad, and it might actually be more useful to get at compliance in this box.

MR. BROMLEY: I guess my response to that would be that I am not trying to say, "Yes," or "No," whether it was under enforcement or needed enforcement. That is for the pub-

lic to determine, but it is to say that it was subject to a permit or some type of control, and the public can come up with that information. I mean it is not putting the stamp and saying that you don't have to look at it or anything like that. It is just giving more information to the public and then the public can do what it will with that information. It is just like what TRI statements by EPA on TRI say that it is not a risk-related information base. You have to get other data to put to that TRI information to determine whether there is a risk or not. It is the same situation here. You have to get other data to determine whether there is a need for enforcement or not, but it does take away the immediate conclusion of somebody looking at high numbers and not knowing whether it is subject to any kind of controls or not and saying, "Gosh, this needs enforcement," and that is what the newspapers have done, unfortunately as the example was passed out at the last meeting.

MS. SUBRA: Wilma Subra. I would like to comment a little bit about fugitives but first one of the things that is always brought back on the environmental community from industry is that yes, we have these emissions, but they are all permitted emissions.

Ed just gave you an example in the RCRA wastes and the NPDES all the chemicals aren't listed and regulated, and in fact in your air permit all these chemicals that you are reporting under TRI are not listed in your emissions permit with a maximum that you are allowed. So, in fact, every chemical that you are reporting is not permitted with a maximum emission limit that you are saying that you are within, and this is inferring that all these chemicals are permitted and we are below the level in fact that we are allowed.

Secondly, on the fugitive issue some facilities have a permit that lists their fugitive emissions and that a maximum is set like on hydrocarbons. Some facilities don't have their fugitives permitted at all. So, you are going to have fugitive emissions and some facilities are going to check subject to federal or state regs, and others are not, and you are opening this wide open for people to start coming at those facilities because some of the fugitive emissions based on TRI data 80, 85, 90 percent of the TRI emissions are fugitives, and if that is what you want I think it is great that we can say that the fugitive part is not subject to the regulatory program. I would love to have that box checked off and then be able to go into the facilities and say, "So, what are you going to do about it," but I think the whole thing is inferring something that really isn't there. All these chemicals are not permitted with a maximum emission limit that then the industry can say, "We are within that. All these emissions are permitted." That is not true.

MR. BROMLEY: In response to that I guess I am not saying that. If it has been submitted in your application for

your permit, it has been evaluated and is subject to your permitting. That is already part of the permitting program. They have evaluated that. So, I am not following your point on that.

MS. SUBRA: There are no checks and balance to say whether or not -- you submitted it in your application, and there is nothing that requires you on a yearly basis to say that you are meeting those limits that you put in your application. That is not in your permit.

MR. BROMLEY: The agency has already determined that.

PARTICIPANT: It is on the bottom.

MR. BROMLEY: The agency has already made that determination. That is the reason.

MS. SUBRA: You could submit as much of it as you want and because there wasn't a permit limit set on it, you are considering it within your permit limits.

MR. BROMLEY: I don't agree with that. No, you cannot. You have your maximums, and if you have new information you are under an obligation under the regulations to notify the agency of those changes to what you submitted in your application. So, you are already under that obligation. You don't have the opportunity just to admit as much as you want. That is just not true, and the second point I didn't understand that.

MS. SUBRA: Fugitive emissions in some cases facilities apply and say how much their fugitives are, and there is a limit on the fugitive emissions. In other cases they don't have a permitted fugitive criteria.

MR. BROMLEY: If they don't have a permit, they don't check the box. If it is not subject to some type of regulatory action, they don't check the box. You are free to go in and say, "You didn't check a box. You don't have a permit here."

MR. FEES: This is David Fees. It seems that this issue is, I wouldn't say fraught with problems, but it has a lot of its questions, and we only have a certain amount of time I think. I think what we want to do is only spend a few more minutes on it. Paul had his card up already, and then we will kind of move on and see how we can work this in. It definitely would need more discussion to be included and maybe other solutions will answer the problem which has I think been stated well enough by Cory.

Go ahead, Paul?

MR. ORUM: Paul Orum, two areas of questions. First, for Cory, the last meeting we had a discussion about putting a box on the form that would tell you when something was disposed in slag, for example, which I thought was one of the most simple things that EPA could do and one of the most positive, and it seemed like there was general agreement that that kind of change would be helpful. Where is that on this

form here?

MR. BROMLEY: That would be in the activity code that I would have rather than listing slag out separately because there are actually going to be so many items. There will be slag. There will be different types of things, such as the waste industry putting stuff and solidifying it in concrete and putting it out, waste rock for the mining industry, other things. Rather than listing a litany of items and having the form become 12 pages I thought it would be better to do the activity code so that you could look at it and say, "Okay, that number has this activity A." That is slag. B is concrete going out there that has some TRI reportable constituent in it. C would be waste rock or some other type of -- I think some details need to be worked out on that, but that was the concept.

MR. ORUM: Okay, Paul Orum, again. It is in the activity code then rather than a box per se. Doesn't that mean that you don't get separate numbers necessarily for that?

MR. BROMLEY: Like I said, there are probably some details that need to be worked out on that. I haven't really gone through. I mean there may be one way of approaching it as multiple codes or maybe percentages with those codes or something like that. Is that what you are saying? You are saying that let us say that reportable for copper in the slag or copper that is the TRI form that I am doing, if it is 90 percent in the copper, are you saying someplace that maybe copper releases in that?

MR. ORUM: I am saying that in 5.5.4, other disposal releases now you have got a bunch of codes to tell you what those other disposal releases are, but if you had multiple codes from one facility you wouldn't really know what was going into the slag for example.

MR. BROMLEY: You are reporting on that specific chemical. So, if I am reporting for copper, that is --

MR. ORUM: But you might be sending some down the drain and some out to surface water and some into the slag and some --

MR. FEES: You might have more than one other.

MR. BROMLEY: Yes, and that is what I was saying.

DR. BORDACS: And the other thing, Krisztina Bordacs, is that Cory said that he agreed with Susie's recommendation, and we had that other. That could be further differentiated because we didn't go down to the details. So, don't forget he is kind of providing a mixture of ideas here, and other you could spell it out and you put your activity code next to it.

MR. BROMLEY: The other solution that I think maybe is a percentage with that activity code. So, if I put say A was for slag and B was for some other activity, then I could put a percentage next to it. That is just one idea. I don't know. I see what your issue is, and I just haven't gotten that

far to really figure out how that should be. Maybe it would be that we have several lines under other or something that could be differentiated. There are different ways of approaching that. I was just presenting more the concept.

MR. ORUM: Let me raise my other issue then, unless we are going to come back to this about the subject of federal regulatory state action. Is that something that we are going to consider more later or is this the discussion?

MR. FEES: Dave Fees. I think it is definitely a possibility that we are going to be coming back to that later. I think what is going to happen is we may settle on one base option and then pool elements from the other options to make that one option we use as sort of like the first template, and this is just what I envision. I don't know if anyone else agrees this is a way we could approach it and then pull in elements from the other options that might make sense that solve particular questions that are raised by the template as it stands. Is that workable?

MR. ORUM: Yes, there are two things about that particular subject to federal regulatory state action that come to mind. One is don't you want to know along the same vein whether something has been adequately studied, and two, you know there is an awful lot of exemptions out there that are very highly political, questionable. Anyway it raises quite a red flag for me to have combustion waste which is known to cause contamination, for example, all over the place. We have a bunch of evidence we put in to be said that, you know, that is not, that is subject to regulatory action just because there was a study that didn't end up regulating it among other similar concerns.

MR. FEES: Let us not try to get too bogged down. I think that issue from my view point has got, I don't want to say the word "problems," but it needs a lot of work. If we can work on an option that maybe addresses the problem without that element, then maybe we don't have to do all this.

MR. ORUM: I am not trying to put values necessarily on that. It is just it is a factual statement as to that. Now, to the agencies that is their job. If they put out a permit, they have to figure out whether it is appropriate or not, and that is what the permitting programs are for. I mean we might as well not have permits if it is going to be in that situation where we are all concerned about any emissions whatsoever.

MS. DOA: This is Maria Doa. I think there is one issue although it may be difficult to get at, but factual is direct or indirect or whatever you want to call it, but subject to federal, state regulatory action to some extent is political because I think what you are going to do is imply to the public that the Federal Government or the state regulatory agency made a determination that this was safe and there are, I think you see permits that vary from state to state and so,

you may be unintentionally conveying something to the public that you don't want, whereas if you get a direct, indirect or whatever other sort of language you don't have that overlay. At least in my experience in doing chemical petitions where we have looked at some release data, we have seen things that just vary across the country from state to state.

MR. BROMLEY: And I am not saying that it is unintentional. I am saying that it is intentional. Exactly, it is putting that is, because that is the political process that we live in, and that is their obligation. We have to live by that political process that the agencies have that control, and they have that function to go out there and decide what is safe and what isn't safe by putting their permit limits and intentionally putting that inference that they have looked at that.

MS. DOA: But isn't it beyond safe and not safe, the technology that is available that gets to business considerations?

MR. BROMLEY: That is the political process.

MS. DOA: It is not that they are saying -- okay. I understand your point.

MR. BROMLEY: That is the regulatory process. It is there.

MR. FEES: Okay, before we go on, I think let us put a moratorium on any more raised name cards so we can move on, but I will take the ones that are still up, and I think Susan was next.

MS. FERGUSON: I just wanted to follow up on Paul's question. The way I envision the information to be carried forward under that land disposal category with an activity code wouldn't be grouped together but to the extent we decide to differentiate an activity by chemical we would be presenting those values. So, on a chemical, if it is slag you want to capture and the amount, you would do it there. If it is another type of management we haven't considered yet, we want to define and capture, we would do that and you might be able to save space on your form by having some lines, activity codes, some places to fill in amounts if that is easiest or if there are only a few of them you may want to go ahead and block them out and put those there.

I had intended to reserve space for us to think of things beyond what we had thought of there and put them in the form as appropriate, but to capture them on a chemical and volume basis. Does that help?

PARTICIPANT: I understand but that is not saying that there is an agreement there.

MR. SMITH: This is Grant Smith. To follow up on Paul's point on exemptions and things, for instance in Indiana last year the environmental agency declared that Indiana has fallen out of the top 10 of TRI reporters.

What happened was Inland Steel that was dumping slag

in Lake Michigan decided to sell it as a construction material, and to me that is a misuse of data, and has anyone considered looking at waste sold as product as a category because the waste is still being generated, and the policy of the country is to reduce the generation of the waste, not to declare waste as products and say that the situation is gone.

In the case of Inland Steel, you sell it to construction companies, that means a once-declared toxic material is now being used as backfill probably in an unlined landfill. That is what you are talking about, and there is no discussion. We can talk about risk, too, but there was no indication about well, the agency should have said, "We don't know what is going to happen to this stuff." I mean it could be leaching in different places. It could be exposing people. We don't know, but there was this victory declared, and waste sold as product should be addressed someplace.

PARTICIPANT: Wait until Phase 3? That is an item in Phase 3 which we are not studying here.

PARTICIPANT: I don't know that I want to go into the definition of solid waste, been there, done that.

MR. NATAN: I did a study of TRI reporting facilities and found that for Section A data of TRI chemicals approximately 15 to 20 percent of the reduction between 1991 and 1994, in TRI chemicals was simply selling waste as product. So, it is a very large --

MR. FEES: Dave Fees. That is a good point. I think we will move on to the next option and kind of keep that in the back of our minds. It may play out later on.

MS. SULLIVAN: Vicky Sullivan. I think the problem people are having with the subject to regulatory action box is a problem with the regulatory action with the program.

If there was a study and EPA decided not to regulate, folks don't like that. So, they don't want that included or if states have differing regulatory levels people don't like that. Well, to me, you take that up with the regulatory program, not with the TRI program. This has got to be factual, and you start doing that, and you start adding value judgments and it does become a burden. If I have something that EPA decided to regulate and I don't agree with it, I still will check it.

On the other side if they studied it and decided not to regulate it, some folks don't like that, but I think that is a quibble or second guessing of regulatory decisions that should be taken up elsewhere.

MR. FEES: Let us move on. We have got Joan to give her option, and we want to give her ample time.

MS. FASSINGER: Joan Fassinger from General Motors, and we might go through my option very quickly because it is some people say maybe a little too aggressive for the scope of our work here, but I would like to go through it in case there are some ideas we can pick up and maybe apply to other op-

tions.

As I had listened in the previous meeting it seems that we have a lot of focus on TRI which is good in trying to improve TRI, but a lot of the confusion that occurs now with environmental reporting is due to discrepancies between TRI and other reports such as RCRA and your NPDES reports or pre-treatment reports or other data that are reported on other media programs, and we are finding that even to improve the quality of the data on the TRI we have to start trying to push toward integrating the data that are reported under media programs, for instance, my NPDES monitoring with my TRI numbers.

Because they are done separately a lot of times that link doesn't happen, and we end up with different data sets that indicate for instance a release to water that have different numeric values, and it is very confusing.

So, this is a move to try to bring these together. I am only trying to deal with the land disposal here right now. We felt that that was the most difficult in some senses but had the most potential for combination because we are tracking hazardous wastes under biennial report and we have to look at the TRI chemicals in those wastes and now with the waste management industries coming in it appeared that there would be a good opportunity for possibly compiling those two reports and eliminating, you know, have some reduced reporting. We, also, found for the waste minimization data both reports have waste min data or source reduction type activity data. There are lots of discrepancies between those. TRI says, "Did you do it, and what did you do?" and the biennial report survey says, "This is why I didn't do it," and we don't have the connection between those two data points which would seem to be very useful.

There is, also, a lot of differing activity codes. So, what I am presenting is more of a worksheet. It wouldn't necessarily be the way the report is printed out, if we are going to use the information, but just provide an opportunity to force facilities or start forcing facilities to really start linking that data together to provide better quality, and there are two options here.

On Page 2, it starts with the actual source. Rather than starting from the end point, my release and trying to work backwards which is what we very often do under TRI, it actually starts with the source in the waste stream and works out, and instead of having to have 15 pages to get all the data on, it would be pretty much you fill in the blank, and then if you have another entry you kind of fill in another blank but not have the data scattered all over, more or less have it all on one page or kind of on one spreadsheet, and then that data would be able to be pulled out and do ad hoc reporting pretty much any way you want without putting the kind of qualifier or judgment value on it.

Depending on the purpose, we find that sometimes

some of the data elements are put on a form for a specific reason, but then someone else has a very good use for that data, and it is difficult to pull it because of the way it was installed into the reporting system. So, this allows more flexibility in how we pull data out.

So, you would have the source, a general description. This is a paint sludge or this is a release to POTW, and I will go through. I have some specific examples.

The waste treatment, this is a code number, again, consistent with RCRA and to bring the RCRA and CERCLA codes together for hazardous wastes.

Now, for non-hazardous wastes and TRI chemicals parallel code tables could be developed, and again, instead of having to have a lot of different spaces you would pretty much just put the code in and save some paper.

The volume, this would be your total waste stream volume and then where it is going, the release, where it is going to, so that if I am sending this to a waste management facility I could identify where it is going and then if someone is interested in kind of deciphering that chain of command or flow of the chemical through the system they would be able to pick that up. Transfer description, this is on or off site, and this is the name or the water body.

The total release of chemicals; so, again, you can look at it in context the amount of your TRI chemical in your total waste stream and see if it is 1 percent or 100 percent or get a better idea on kind of that impact.

Your estimate which you do now, whether it is permitted and on this proposal it would be only if it is regulated, not if it had been determined that it doesn't require regulation, but if I am permitted for that chemical, and I have to do some kind of monitoring or I have some kind of control requirements, then I would specify, "Yes," and the rest is pretty much percent from storm water, source reduction which again you have in Section 8 right. It is disconnected from your Section 5 and 6 data, and it is hard to put that together.

So, this actually brings a lot of, it combines a lot of Section 8 data elements with the other data. The source reduction quantity and activity index, I just found through the Common Sense Project, if you look at total numbers versus a production normalized number you come up with very different information.

We have had some TRI reports that it appears that we have doubled the total, but we have, also, doubled or quadrupled production and on a per vehicle basis from a source reduction standpoint you have made tremendous improvements, and that is not reflected right now the way that TRI data are reported, and that, also, would provide what other SARA reportables are in that waste stream so that again you are looking at everything in context.

I have a couple of examples of this approach, and these were put together for me by someone who is actually trying to look at data systems and see how the data are related and the flow of data within the company and how we bring the business information into reporting.

So, they have done some real world checks on this with real TRI information and RCRA information, and so this is how it would go. If you only have two waste streams you don't have to go through 15 pages of a report. These are all the data that would be on the whole form.

So, someone who doesn't have a lot of waste streams wouldn't have to repetitively put a lot of information. Now, the facility information would kind of go on our front page for all the reports and be able to apply.

The other thing that I was told is under the current Form R you have to keep putting repetitively the same, say if it is going to off site, you have to keep listing that and putting the address and everything. You cannot just put it in and then transfer that information to another form. So, it would save a lot of time, and this, again talks about the type of waste and gives you a real definitive description of it. Filter media and sludge, instead of saying, "Why have 805 pounds?" this is chromium going out, you say, "Why have 805 pounds of chromium that is in this filter media and the total waste volume is 4550?" So, if I am going to reduce I am going to see the reductions in the total waste, and I get an idea of the concentration in there.

Here is a little more complex one where there is the air, some RCRA waste. It has a code. So, you have an idea of what kind of waste that is, what kind of process it came from and all the descriptions on those, and again it helps resolve some of the discrepancies between those.

You have an EPA ID number. So, you can go and look at that facility if you are interested. This is one for lead. This, again, just kind of lays out the differences between the actual data that we report now and what it would look like on the new form.

Here is one for MEK. That is air and then these would all be totaled. You would have kind of a one-pager. This would be like a new Section 8 then, a one-pager that provides all of your summary information.

Now, another approach to this that people familiar with TRI might be more comfortable with is to list the chemical first and then later on you link in your source volume, but again you are looking at the kind of outside-in approach then. So, anyway this might be a little too farfetched. I would say though that if there is a desire to add a lot more information to TRI and too much is going to be tried to be pulled into the existing form, there might be a lot of resistance because with all of the information management activities going on nobody really is looking for adding onto what we

already report.

So, again, this option would eliminate another report, provide better information for everyone to evaluate waste streams but, also, have that trade off of a burden reduction or streamlining.

Any questions?

Again, you know, if this is too much for now, this could maybe be considered longer term or in the future.

MR ECK: Joan, a question, how does your option address the concerns that have been raised for hazardous waste treaters, owners of RCRA landfills, owners of underground injection systems, mining concerns about how to report slag?

MS. FASSINGER: The slag would be reported, I mean I think the determination on how you report slag is more of a regulatory determination and guidance determination more so than the format and if that slag is considered a waste, you know, under the TRI guidance, then it should be reported and you report if it is on site, on site (Sic) and provide a management code of some kind to indicate. You provide a code. No. 1 indicates it is slag so that you would get an idea of the type of material and the composition of material as well as the chemical.

I mean right now you might report, I don't know, manganese as being disposed of or managed on site but you really don't know it is in slag, and this would provide an answer for that information.

Maria?

MS. DOA: Maria Doa. I just have a question about accidental releases because you have the whole floor pretty much here, and I think I must have missed it. Do you just basically need to add a separate column to break out the Section 8.8 data?

MS. FASSINGER: Are you looking at the first page or one of the examples?

MS. DOA: I was looking at the spreadsheets. I think maybe I just missed it.

MS. SULLIVAN: I think you are looking at Diagram 2, the second page.

MS. FASSINGER: It would be added as a release. In other words, if you had an accidental release, let me see. GM doesn't have any accidental releases.

(Laughter.)

MS. DOA: For other companies? The PPA requires that we report on breakout accidental releases from production related. I think it would just be another column you know that would just break it out or identify which fraction.

MS. FASSINGER: Right. Here is one. We had waste gasoline from a spill clean-up. Okay, we reported the spill. We would have reported that as, you know, I mean probably an on-site release to the land. It would be coded as an accidental release. Possibly you could use it through coding and

then it would have all the other information, and if that was in a mixture you could have your total volume here of all the gasoline, and then you have your percentage benzene or your amount of benzene in there as reported.

As a matter of fact, this is benzene. So, here is a good example, and then when I clean it up you would get that information that I cleaned up the soil and where it was sent to or how it was managed, if it is incinerated and then how much chemical. So, you would have to watch about double counting then, but again, the report out, this is more of the input form.

The report out so you can mix and match codes depending on how possibly, you know the agency wants to assess information, and again I would like to not overemphasize. I just tried through common sense initiative; we were doing assembly plant profiles, and we tried to look at TRI data and RCRA data. We found a lot of very valuable information, and people in the company who have seen this say, "Hey, this is a lot more than I have now. This provides me a lot of good information, trying to assess this process and this tells me a lot about waste. I can total up by code. I can total up all my waste streams and then see which waste streams contribute the biggest volumes or which waste streams contribute the more hazardous or toxic chemicals, and then be able to use that information to do pollution prevention which now you cannot really do the way it is set up," but again this probably would require more time to implement it.

MS. FERGUSON: Joan, this system seems to feed the one-stop data integration project fairly well in terms of some of the discussions we were talking about this morning about how you take your different data and pull them together in one information system in a way that is easy for the regulated facility to use and then to the extent you are capturing that in a publicly accessible database that is agreeable it might fit that other project that EPA has or that the folks are doing as opposed to this one.

Maybe this is one we want to forward this idea over to the one-stop folks as another way to look at information handling or collection.

MS. FASSINGER: Yes, what this allows, it allows the facilities to make sure that data matches up rather than retroactively taking data that wasn't meant to be matched up and trying to put it together.

So, it would be from a kind of a here forward.

Other questions?

MR. ORUM: Paul Orum. That was my reaction, as well, that it is something that integrating all and unifying all the environmental reporting this is a template of how you do the worksheet within the facility to get to that point. I mean I think it would be great if there were a national contest or something in which different people put together their propos-

als according to their business you know for whatever, for integrating all that information. It is a little outside the box, but it seemed beyond the scope of this Committee to really handle all of this though.

DR. SKERNOLIS: Only the winner doesn't have to report TRI --

MR. FEES: Okay, I think I would like to echo a few of those sentiments, even Joan's herself that maybe this is a little more than the focus of releases and then the impact that has on some of the other sections.

I suppose it is possible that some of these elements here or ideas can still be drawn out in the discussion that we have.

I think now what I would like to do is to be able to select an option to use as a skeleton, as a template, and the first thing I want to do is to have a show of hands to see if that process, not even picking Option 1, A, B, 2, 3, whatever, but just that process of taking one of the options, whatever is most amenable to the group and using that as a skeleton and working that through; does everyone think that is a legitimate idea to proceed from here now that we have heard all the options?

Mike?

MR. ECK: Could I propose a snap question before that and maybe give me 5 minutes to propose it, 1 minute to propose it, 4 minutes for discussion and voting on it and then let you move on?

MR. FEES: Another option?

MR. ECK: Well, yes, another option. It is very simple. It is the one I proposed at the end of the last meeting. It is the "leave the darn thing alone" option.

I would like to see a show of hands on how many people feel that the Form R does need to be changed.

MR. FEES: If you don't want any of these options, you wouldn't raise your hand to my question. Taking one of these options as a skeleton and working with it, you know, with elements from all the --

MR. ECK: Okay, that sounds good.

MR. FEES: You would keep your hand down, and see if we don't get enough people; if they don't even raise their hands, then I don't know, and we will have to give it to --

MR. ECK: That sounds good. That accomplishes the same thing.

MR. FEES: So, a show of hands as to whom would like to take one of these options whichever one we decide on and work through that, taking elements from possibly some of the other ones.

Let us have a show of hands on that.

MR. COMAI: For me this is an Australian ballot. I prefer not to vote or I call for a caucus.

MR. FEES: Thank you.

Andy, you said, "Not vote"?

MR. COMAI: Me, personally, I guess. I am abstaining. Count me as an abstention.

MR. FEES: Anyone who specifically opposes picking one option as a baseline and working with that?

MR. ECK: As opposed to what?

MR. FEES: I don't know. We drop back and punt.

MR. JACOBS: Because if you don't like one of these options, and you don't have anything else to propose then I think we have got to take a step back.

MR. ORUM: There are other options. This is Paul Orum. I just want to remind people that there was considerable discussion at the last meeting about adding certain boxes to the form to indicate where things went and then having further discussion about whether there were ways in EPA's data interpretation they could characterize things differently, and that was pretty unresolved.

There is that other option which was not specifically put on paper and added here today, but we have talked about it.

MR. FEES: Is it waste codes, that is activity codes sort of some description that we are getting at or can we incorporate that description into this box; can't that be brought in?

MR. ORUM: Sure.

MR. JACOBS: So, you do support one of the options. Forgive me, this is David Jacobs. I thought the purpose of this morning and the discussion up until this point was to get all the different options that people had come up with in the preceding 3 months onto the table so we could all have a baseline to start with at least, and certainly if there is something left outside of that, if there is an option you wish to propose I would say that now would be the time to do it.

MR. ORUM: Okay, I propose that we recall there was this other option discussed at the last meeting which I would call "Add a couple of boxes and codes to the form in Sections 5 and 6."

MR. JACOBS: Did you have a diagram in mind?

MR. ORUM: No, I have not diagrammed it. That is what I am saying.

MR. FEES: This is Dave Fees. That is the reason why I asked to even just take a vote on, a show of hands on even choosing an option. I wasn't precluding that, gee, okay, it is time now to vote on an option when there might be people out there that really either don't like any one of the options or don't even like the idea of taking one of the options as a skeleton, no matter how much it might be changed over the course of 2 more hours and worked over.

I wanted to leave that open to people, and I see there seem to be some people that sort of fit that, and it is not the majority, and Fern has something to say here.

MS. FEIL: I just think from a process standpoint at this point you have 2 more hours to come up with some recommendation.

So, I mean one way to approach this might be to take one of those options knowing that you don't have to use every single thing from that option. You can change things. You can add things. You can take things from last week and add it to something that we have, but at least you have somewhere to start so that if you run out of time you have some recommendations that you all agree on, and if we could go through whatever option, if you did choose to do that, what we could do is go through it and see if there are things people agree on so at least there is something that is done and that you can turn over as a recommendation.

Would something like that work?

Is there anybody whom that wouldn't work for?

Ken, that wouldn't work for you?

MR. GEISER: Let me try to say where I am because I did not raise my hand in that last decision, and it is partly because I wasn't here last time. So, I am trying to be true to the group but, also, I missed a discussion which was in my starting point I don't want to change the Form R very far, largely because of the consistency of the database and all kinds of training and all the other things. We have got a huge investment in this thing, and so, I am starting from a point of don't change it.

What I am trying to understand is what the problems are enough to find the minimal changes that won't destroy the longevity and usefulness of this data but at the same time meet whatever these needs are, and so, I am unfortunately starting listening to options and things like that and --

MS. FIEL: Last time that is what we talked about.

MR. GIES: I am sure you did. That is sort of why I am having trouble getting on board with your option development. It is not necessarily because I don't think it is a reasonable way to do it, but I am hearing Michael. I am sort of curious to know why other people are not feeling like -- I thought Michael's suggestion was a good one although it may be suggesting we revisit a discussion you had previously. So, I guess it is a little bit, David, up to you as to whether to engage that, but that is where I am. That is why I am not raising my hand.

MR. FEES: Michael had presented, you know, don't change things, but we think we came to a consensus that there were some issues that had interpretation problems on the form, and we were just trying to work through them, and the group tended to gravitate towards these graphic options more so than some of the descriptive ones, and I think we should look at some of the descriptive possibilities but we need them now if we are going to address these problems whether they are through descriptions on the form or these other changes which

in my mind are somewhat descriptive, and I am not seeing it so polarized as maybe some others do.

Thoughts?

MS. FERGUSON: This is Susie Ferguson. From a process standpoint I am hearing different things. So, let me just throw out what I hear?

We probably have folks who don't want to change the existing form at all as a position after hearing all the options. I think you have some folks who would minimally change the form and I think some of the options this morning are minimal changes, depending upon which ones you pull from.

We heard a couple of options this morning that are fairly significant redrafting of both input and handling as well as reorganizing a whole group of sections.

So, you do have a range of activity, and it isn't necessarily -- and some people just want to add one or two things which isn't necessarily mutually exclusive to doing a little tinkering.

So, do you want to take each one of the items and raise it as a motion to see if people want to work from that, yes or no, to find out where your Committee is? Is that easier to do?

MS. FEIL: Is there one of the options that anybody would raise or that any of you people feel is somewhere in the middle that people are fairly comfortable with?

MR. STONE: Jon Stone. From this morning's discussion and I was, also, then just looking at how we voted the last time we held these miscellaneous votes that we could vote on stuff and the biggest vote from the people sitting at the table was somehow showing a net balance. The one thing we cannot tamper with is the word of release. The one option we have addressed today is Susie's either A or B. The word "release" is there. There is a couple of additions to the word "release," but it, also, shows without subtracting out or adding in, it now is broken into two areas.

One basically is a gross, and one is a net, and you can do with it as you wish, and I think I would like to see either her Option A or B started as just the basis for discussion, and we will go from there.

MS. FEIL: A bunch of cards went down. Does that mean you agree?

So, some people agree? Okay.

MR. ORUM: I would not start at that point because I would not agree to that change. I think I am among the minimalists. I am sorry, Paul Orum. I think I am among the minimalists. What I would propose is to put a motion out that there should be sufficient information on the form at a minimum regardless of what else does change or doesn't change and letting alone the question of characterization there should be -- I want to see if there would be agreement to this. There should be enough information on the form to tell where chemi-

cals are going in these TRI streams, when they go to slag, combustion waste or all these new things and the existing ones, the class of the underground injection well off site as well as on site, the basic information to know where those amounts go, whether that is something that the group could agree to.

MS. FEIL: Do you want to respond to that?

MR STEIDEL: Bob Steidel. We agreed to this last time. That is exactly what we agreed to last time. We are not going forward. We have to go forward. It is in our minutes. Participants favored giving Form R enough detail so that EPA and the public can understand and accurately interpret the information given.

We have already agreed to that. We agreed to it last time. So, I don't think you need a motion. You have got what you want.

MR. ORUM: The motion to agree with ourselves is agreed to.

MR. COMAI: I second the motion.

MR. GEISER: I guess the sense of what I was trying to drive at a bit is if we are trying to be true to the idea of getting to consensus on this recommendation not everyone raised their hands on your proposal. I would try to find out why other people didn't raise their hands and see if you cannot get everybody to the same point on the process and then move forward. That would be my recommendation because I think you will end up with a stronger position if you can ferret out why people are not happy with the direction it was going because otherwise people are going to maybe sabotage it as it goes along because they didn't like something about it rather than have a chance to air what their grievance was.

MR. FEES: Dave Fees.

On one hand, that is sort of why I asked to take the vote because I had a feeling, I think some people thought, oh, the idea is we are just going to pick one of these options and start running with it, and I had a feeling that there were some folks that just didn't even like that angle to give them an idea, but now it is sort of fleshed out that there are people that maybe don't agree with taking an option and we do need to bring out those objections to that and possible solutions to getting around that in the constraint that we don't have an unlimited amount of time.

So, we have got juggling to do, and I don't know what to say.

MS. FEIL: Did you want to say something, Susie?

MS. FERGUSON: I want to say, "Take it and facilitate it."

(Laughter.)

MS. FEIL: Okay, typically what a facilitator does is ask the group which way they want to go and then keep them on track where they want to go.

There doesn't seem to be a way that as a whole this group wants to go. One idea, and one question maybe to pose to EPA, that might help you decide which way to go is that if we did take one option, given that it seems like the majority right now seem to want to do that, would it serve your purpose to then have all the reasons why certain people don't agree with things if we cannot get consensus?

What I am afraid is going to happen given an hour and 40 minutes to do this is that you are going to end up deciding how to go, but there will be no time to go anywhere.

So, it might be better to take the option and two opinions on things versus having no opinions, but I don't want to tell you what to do. That isn't my place. I am just not really sure if there isn't agreement on which way to go what to say.

MS. PRICE: Michelle Price. I mean the way Susie outlined it as being sort of there are people who don't want to tinker at all; there are people that maybe would want to add a few things, and then there are some more broad options; I mean I thought it was a good characterization of sort of where we are, and I think --

MR. FEES: Where is the middle ground?

MS. PRICE: From our perspective if we had, it seems to me the middle ground on continuing to discuss this is to see if there is let us say one way that sort of medium of tinkering some with the form and then when we get closer to the end those that still say, "I wouldn't even do this," and then those that say, "I am not satisfied with this because it doesn't go far enough," and then others that say, "I am not satisfied with this because it goes too far," but at least we would maybe see if there are some boxes that people could agree or some changes that most people could agree on that would be useful to the public. I mean I have heard some very useful discussion about ways to break some of this information down or to add some information to the Form R which would, I mean I think I have heard people from both industry and from environmental groups say that they think these would be useful things, and I am wondering if we could even get consensus on what those useful things are and then sort of see where we are.

MS. NEUMAN: Let me just add one thing to that? I think we do share your concerns, Ken and maybe some other people's, too, that we really do want to see some continuity in the data. We obviously look at the trends in the data. We, also, have a large investment in the training, and so, you know, regardless of what the group comes to we are going to be thinking about that ultimately as well.

So, if we can factor it in here, that would be great, I think. Oh, Amy Neuman, excuse me.

MR. ECK: Michael Eck. I would agree I guess with Fern's proposal. Let us take a, let those who want to choose

an option choose an option and let those of us who feel that the option is lacking in spite of our earlier agreement that some changes were needed express as succinctly as possible why we feel that the chosen option does not reduce confusion and then it may be worth taking up at the end of this.

I would suggest we put that to a vote whether we want to have as part of the recommendation paragraphs on disagreements as was said with the direction of the option chosen because they went too far or went another way. I think that will give EPA perhaps the best range of representation of opinion on the subject.

MS. FERGUSON: As a regulator when I am writing a rule, and there is not consensus among folks or I don't perceive that we are going to get consensus, it is valuable to get each position out on the table with the reasons behind it.

So, from that standpoint I don't think you want to push them to prejudge something you find palatable. You will miss something if you are pushing toward an EPA solution at this point in time.

It is valuable to let the group come forward with the recommendations and the reasons why they would recommend what they recommend, but don't lose anything. If you have to divide up into three subcommittees, work them a little bit, bring your paragraphs back and come back with three different options and talk about them, maybe you will change somebody's mind. Maybe you won't, but you will get all the issues out on the table and into the report which has great value to look at either in the context of further regulation or in the context of somebody coming on in legislation later and looking at what has been done or recommended in this particular area.

It is important to capture those views and not shush them.

MS. FEIL: Joan?

MS. FASSINGER: Ed was way before me.

MR. SKERNOLIS: My recollection of the history of this is that starting with today's history we had basically three different issues presented by the options. One was Susie's which attempted to look at addressing the issue in a neutral fashion of the distinctions that the industry folks by and large wanted to make and the distinctions that I have heard Paul talk about in terminology such as direct and indirect, at least they were willing to address and talk about without reaching any conclusions about.

I am not saying that that is the best way, but I think that was the focus of Susie's attempt. So, that issue is largely focused on the issue of within the umbrella of the word "releases," distinctions, discrimination, discriminating information within that umbrella.

There is a second issue brought up with regard to characterization of regulated and unregulated. I thought that that had less kind of general support and then I think Joan's

third thing in terms of economizing reporting and everything there is a general sense that that can be taken up in a broader context at a later date.

I wouldn't suggest for a minute that by looking at the one proposal on the table that was meant to address something that I think we have all agreed on, that distinctions within the umbrella of releases might be valuable, that we use that as a baseline for further discussion. I would not want to suggest to any of the people who are uncomfortable with Susie's proposal that they are in any way boxed in by that or that they cannot say, "Eliminate," that their position at the end of the discussion is that 80 percent of it should go, but it is the proposal that somebody has taken the time to put on the table that says, "Here is a way to address that issue," and unless somebody took the time before this meeting came up, I don't see any reason why they should be objecting to pursuing that. I mean that is what we agreed to do at the last meeting. That is how we left it last meeting, and Susie brought in the proposal, as far as I am concerned. So, everybody is free to knock it down or tear it apart, but you know.

MS. FEIL: Two more people have cards up, Rick and Joan. I don't know who was first.

MR. REIBSTEIN: I just think that when you start redesigning the form the way we are doing now you do begin to raise some other questions. Are there other things you want to do to the form? We have been redesigning the form to meet some objections to the form from industry.

Is this a good time maybe to ask are there other interest groups that have things they want to add to perhaps or change about the form if we are going to redesign it? That may be part of the hesitation here. It is certainly my hesitation to enter into an effort here to redesign the form basically to respond to one item.

You know, I am, also, interested in Massachusetts, we look at waste. Then we look at waste that leaves the plant as an emission, and that is the way I think of these things, and if I were to redesign the form I would reorganize it that way, and I am interested in totaling it up in a little different way.

So, I have a feeling, well, we are redesigning the form. Maybe I should have submitted something which would show it from my point of view, but I thought we were responding to something that was on the table, and I, also, came late and missed the first day and thought it was best for me to sort of just listen and see what was going on, but I am being very frank with you now. I am beginning to think well, maybe it is time to sort of shift gears if we are getting towards redesigning the form.

That doesn't mean we cannot do it, but if we do do it, let us circumscribe the effort and be very clear that we are doing this kind of small exercise here so that when we get

this result it is not, well, the Committee decided this is how the form should look now. I would go, "Hey, wait a second. At that point let us go back to square one." I would like to put my input about the way I think about this.

MS. FASSINGER: Maybe I should have gone before Rick. This is Joan Fassinger. I am willing to withdraw the proposal I had put together as out of the scope of this Committee and to try to simplify the process and try to maybe work with one option and maybe not try to take such giant leaps but make more minimalistic but meaningful changes to the existing form because maybe we need to decide as a group on that though.

MS. DOA: I just wanted to add that the next meeting we are going to be looking at Section 8 and adding data elements. This probably gets to what Rick is talking about and looking more at the POTW issue and maybe data elements there, and I think that there is, also, the opportunity in the future at some of the future meetings to look at other elements which different groups may want to see added to the form.

So, there are those options for the future.

MR. REIBSTEIN: Excuse me, may I just ask, "Does that include really sort of the wholesale rethinking of the way it is organized and the sort of concept of it?"

MS. DOA: If you are talking about maybe more of the integration of Section 5, 6 and 8 data, getting at looking at waste and then looking at the subset of wastes?

MR. REIBSTEIN: Joan made a very creative presentation which went way beyond responding to the concern about how to characterize releases. She raised a lot of -- it was very creative. There were lots of things in there, and it suggests to me that maybe we all want to sort of start there.

I mean for example, she had the source volume thing. That was a very interesting idea. It sort of relates to use reporting as far as I am concerned. It sort of suggests maybe there is something like that we would want to throw in.

MS. DOA: I, also, really liked Joan's. That is why I was taking it very seriously and wondering where the 8.8 was, but let me step back?

I think that what the group has been working on is dealing with Section 5, and it is a subset of what Joan has to an extent, and it might be, if we took what Joan had and used codes for all the things that Susie had done, I mean it might be something like that.

I think you are talking about something that is a bit broader, and it is certainly something we can address in the future, the broader aspect of it because I really look at this as a subset of waste that we are really looking at here to a large degree.

MR. ORUM: Paul Orum. I have come solely to the conclusion that for process I think that these issues of characterization are easier to deal with, and when we talk about

how EPA characterizes the data then when we talk about changing boxes on the form because it is less permanent, easier to change, it may, also be, because it is easier to change, it may, also, be less permanent, and that was why I didn't raise my hand as to taking up any of the particular proposals that were out there before.

MR. FEES: David Fees. With all that, I think at this point if we don't though take up one of the options at best we can spend another hour and one-half, 2 hours drawing out some more ideas from some other people that didn't raise their hands and have just sort of some grouping of ideas that won't get into any kind of form.

The alternative is possibly take an option, work it through a little bit and then hang onto that recommendation as just one item, one recommendation and see how some of these other things play out like tomorrow's discussion with the clarifications and then the interpretation and the reporting of data and then taking Section 8 I guess at the next meeting and seeing after going through those two processes what impact it might have on this option, and that is the only way I see where we can go without essentially stopping here, and I would hate to stop because I think we did cover some good ground.

MS. FEIL: There is one other thing that I have seen committees do at a point like this, and I don't know, EPA needs to respond to this, also, and that is breaking into one or two or three, depending on how many factions we have here, subgroups, and coming up with two or three separate recommendations and talking through them and trying to see if some of the things are the same in all three.

I have, also, seen it done two different ways. I have seen it done where you mix up the groups and have people representing each interest in each group and I have seen it done where people have similar interests, there groups with similar interests to each other within the group.

So, that is another option. I am not sure if that would provide you what you are looking for. It might make some people feel more comfortable.

MS. FASSINGER: This is Joan Fassinger. I would like to pick up on David's point. It would help me. It is difficult to make changes in a micro-management mode. I really would like to see all of the changes to the entire Form R so that I can look at this whole thing in context before I would elect an option rather than taking sections piece by piece because if we make changes now or accept an option for Section 5 and then when we get into Section 8, you know, a whole new set of issues is brought up that might relate to that, I mean then we won't have a chance to come back and look at the whole thing in context.

So, I would possibly ask if we could go through the whole form before we start trying to tweak an option. I guess the other question I could use some clarification on whether

you want this Committee to come up with very specific detailed data elements and boxes and format or if you want more of a conceptual recommendation for what the Form R should look like.

MS. DOA: Could we take a 5-minute break? I am sorry. I mean I don't want to miss what is going on, but we are trying to make this go as smoothly as possible. So would that be possible?

MR. FEES: All right.

(Brief recess.)

MS. FEIL: I think what EPA has decided we are going to do is give you all an opportunity for about an hour now to just break into two groups, a group who wants to take whichever recommendation and work with it, and we are not asking, I think their goal has changed a little bit. They are not trying to get to an actual recommendation but to flesh it out, come up with whatever you can all agree on, put it out there. The other group, the same thing, if there are very small changes, if you are saying, "We don't want to change certain parts," fine. Don't necessarily start from one of these. Start from wherever you want and I think what they are going to do is not call any of this a recommendation but just have it there, go on to the rest of the meeting and sort of in the bigger picture come back to it and see where it fits in.

Is that an accurate description?

MR. FEES: This is Dave Fees. I think we recognize that with Joan's option that trying to isolate one section isn't going to quite get us there. So, the thought was there are definitely people who have some good ideas with fleshing out options, taking one of the options and fleshing that out. There are other people who have some other ideas that need to be articulated. If both those groups can put them down in the next hour and 15 minutes, hour and one-half and then we will sort of hold onto that, not as a recommendation from either group, not a majority recommendation or minority recommendation but then go on; let us go on to the next topic, the clarifications in the data release and then go on to the Section 8 and then pull these together because I think what is going to happen is as a Committee we are going to be putting together a recommendation report, one recommendation report maybe at the end of our August meeting, and I don't envision, and I didn't see this happening at the NACEPT Council, the Committee's submitting one recommendation at a time up to the Council.

They are going to put this whole package together. So, if what we do in Section 5 and some of the discussions that we do with clarification, some of the stuff we do with Section 8 impacts some of those other sections that we worked on and solutions and options, we can kind of meld them together.

I suppose you could say that it is a little wishy

washy in terms of not coming to a recommendation, but I think this is maybe the next best thing that we can achieve now, move on and then see where it fits into the whole recommendation report package.

MS. FEIL: Okay, I think if everyone is okay with this, what we would suggest is you spend an hour working on this so that we have about 10 or 15 minutes for each group to present it at the end so other people can see what they did, okay? And we are, also, going to give you flipchart paper so that you could as you come up with things put it on flipcharts so people can see what you are talking about, and that would be helpful, too.

MS. DOA: I just wanted to add to something that David said. I think another rationale behind this is that I think we realize that when you all get to the Section 8, that when you look at Section 8 more closely you may want to tweak the Section 5 stuff that you are doing to make them consistent, and so, it would be good to flesh this out and use it while you are looking at the overall waste issues.

MR. SKERNOLIS: Just a statement of the question. I won't speak for anybody else, but I never considered that in looking at these options that any of the people who were favoring certain options as a point of discussion were expecting in an hour and one-half to make a recommendation on specific data elements for Section 5. I thought that was going to be a conceptual discussion about the acceptability of the issues that people had brought forward and whether we were on the right track to reconciling or bridging those issues and whether this was a kind of framework to do that.

Having said that, my question now is why are we going to do public release tomorrow if we haven't done Section 8?

MS. DOA: I really think that the issue of the data release while many people are moving toward looking at total waste, I think the big issue and the complaints and the limitations on the data release have to do with Section 5, and so, I think after this discussion on Section 5 and 6 to an extent it is more topical looking at the data release at this point, and when we set this up I think that is what we were thinking, and although right now I mean releases are just one form of waste, okay? In Form R we collect all different types of waste, but I think the main issues as I said earlier on data release have to do with the issue of release and how that data is presented, and probably not completely but to a large extent.

MR. SKERNOLIS: May I propose an option for your consideration then, that we not do an hour of Section 5 this afternoon but begin information release and reserve an hour toward the end of tomorrow for people to modify and examine their ideas about Section 5 in light of the information release discussion but that that be specifically reserved time

to do that.

MR. FEES: Dave Fees. My personal opinion is that we should get our thinking together on some things or the effort that we worked on this afternoon may be lost if we don't sort of tie it up somehow. That would be the only reason why I would recommend we spend an hour doing that as opposed to trying to start a new topic. Trying to start a new topic late in the day, I am not sure how useful that hour would be, but we would have some momentum with these ideas of options in Section 5 and not changing the report and that sort of thing. So, that would be where I would choose to go.

MR. SKERNOLIS: But do you understand what I am trying to do? I am trying to make the connection that Maria is making, but I don't see us coming back to Section 5 to make that connection. That is my point. So, we have to reserve time to come back and modify the group's thinking on Section 5 based on the Section 8 and data release discussions. I don't mind doing it. We are going to do it the way you want to do it, and that is fine, but it seems to me we are saying that this is the end of Section 5, and we don't agree on --

MS. DOA: No, and I think in the January meeting when you address Section 8 we can do one of two things at that meeting. We probably should do it at that meeting. We can put aside time to revisit, a brief amount of time to revisit the Section 5 stuff based on what we have learned on the Section 8 and on the issue on data release or we can at the following meeting, subsequent meeting, you know put aside some time. No, it is not dead, and that is why we wanted to sort of stop it at a point to let it be sort of fungible in the future.

MR. FEES: When people talked about Section 8 in discussions today and we talked about Section 6 we didn't jump all over them and say, "You cannot talk about that; we are talking about Section 5." I think on the same vein when we get to Section 8 we will be talking about Section 5. I think it would be pretty hard to inhibit people from talking about it. So, I think it is going to be valid to present later on.

MS. FASSINGER: This is Joan Fassinger. I have to I think respectfully disagree with Maria's assessment of what the problems are. A lot of the problems that I have seen with the use of the TRI data is statements such as releases are going down but total waste is going up where a lot of those total waste numbers are double counted, some of them are a misrepresentation while the facility is not doing enough because they are not checking the source reduction boxes which in our case a lot of facilities don't just because it is hard to find that, tie that specific information back to their management activity though again it seems that it might help to talk about maybe Section 8, either Section 8 before we talk about the release so that maybe we can come up with some improvements for how the data release can be managed or talk about the data release and then go back to looking at the Form

R so that we can find out specifically where the problems are occurring and then see how we can improve the form.

So, I wouldn't want to go beyond a very, very conceptual proposal for Section 5 at this point.

MR. FEES: I suppose we could vote, a show of hands of how many people would want to split in two groups and use the hour to better articulate what each of those two groups is thinking.

A show of hands to just split up into groups, because the alternative is that we stay in one group and do something else.

MR. ECK: Hold it. You are not making sense. Two groups divided up how and what is the question. Three people just voted and I don't know what they are voting on.

MR. FEES: Two groups, one group that would flesh out an option, one of one of the options, and that is up to that group's decision which option they would choose and whatever elements they choose from other options and the other group that didn't want to take one of the options either put down ideas that would solve the problems that we have identified with Section 5 but aren't changing the form or come up with at least ideas of clarifying why you didn't choose to go with one of the options.

MR. ECK: Mike Eck. As I understand it the vote is on whether or not you want to work with -- one group will work with the options presented today, and the other group will either come up with better ideas or try to explain its concerns with the whole process.

MS. PRICE: Or why they don't want change. I mean it seems like people are sort of change/no change.

MR. FEES: Or why they don't want to work with one of the options. If we don't get those folks to articulate that, how are we going to know where we need to go.

MR. ORUM: Why can't we articulate that to a larger group though?

MS. PRICE: We would then take time, Michelle Price and then present that to the whole group to try to get it down on paper so that we can then present something in sort of a coherent manner.

MR. ORUM: Paul Orum, again. I have a bias. I move that we adjourn and start with a fresh topic tomorrow morning.

PARTICIPANT: I second that. What the heck?

MR. SKERNOLIS: I have an option that we think about doing this for 15 minutes to one-half hour to see if there is really that big a level of things that we have to discuss and then come back and proceed as Paul suggests in the larger group. In my view and with all due respect I think the obligation right now is on the proponents of going forward with the discussion of Section 5 to make their case why that is an impossibility and isn't going to be productive, and let them have the 15 or 20 minutes to caucus and come back and tell us

for the people who want to go forward and if it is convincing then we will go forward from there, and we have the right to respond to those concerns.

MR. FEES: That is essentially what we talked about.

MR. SKERNOLIS: I am talking about cutting it down from an hour to 15 minutes, that is all.

MS. FEIL: I think that the difference in what we had asked originally was that the other people do something, too, not just sit and wait to respond to what certain people say, but the other people work together to kind of flesh out what we already have and what a lot of you seem to agree on.

Are people comfortable with that?

MR. ORUM: I am most uncomfortable with the idea, having raised substantial issues in my view all day long that I now have to go away and come back and tell you in a contrived way why I don't want to proceed with these potential changes. As far as I am concerned the burden is on the people who want to make the changes to make their case and make it in a way from which they can derive agreement. I think that what we are talking about here is backwards.

MR. GEISER: We are getting into a stall here, and I think that it is not useful. I think there are probably uses on both sides for people who don't want to see a lot of changes to get together and talk about why that is true and for those people who have come to think about changes to get together and talk about that.

I think that Ed may be right, that maybe it is a shorter discussion than an hour. It is probably 15 to 20 minutes or more appropriate, maybe. The facilitator ought to check in and when you think it is about right we ought to be pulled back together.

MS. FEIL: Are people comfortable with that?

(There was a chorus of agreement.)

MS. FEIL: Okay, I want to say that you have at least 20 minutes and I will check in, and if people need more time we will give you more time.

My suggestion would be to divide the way you are comfortable. You know who you are and divide in groups that you want to work with. I am not going to tell you what you think, and you know if you are a person who doesn't want a lot of changes or if you are a person who does. So, people who feel there are lots of changes that need to be made start coming down to this side. Other people start out down on that side and just see how the groups flesh out.

(Brief recess.)

MS. FEIL: Both groups have 10 minutes to just report out what they talked about and came up with. Do you guys want to start over here? Is there a speaker? Ed?

MR. SKERNOLIS: The folks who got together who were categorized as those wanting to proceed with further discussion of Section 5 now or at least have some further consider-

ation of it decided to focus on Susie Ferguson's approach because we thought for a number of reasons which we thought were important and which we actually thought were, if you will, when we talked about it when Susie first distributed it and told us what she was thinking about it, we thought it was actually a form of reaching out of the hand to address a lot of concerns raised by a lot of different folks about how to proceed with this problem or this issue.

One of the issues we thought that Ken talked about earlier was continuity, and one of the things we liked about Susie's approach was that we didn't think there was any change to the data that would be reported from year to year, but fundamentally all that was happening looking at this approach was some subcategorization of the existing data that is already reported, but the total information would still be there for people who wanted to use it that way and extract it that way, and year-to-year comparisons, as far as we can tell would not be lost. It would actually expand the ability to do year-to-year comparisons starting with the new baseline year.

The other issue we wanted to address was what we thought was a very clear indication from the first meeting that we could very quickly get bogged down in terminology and value-laden terms but that again, and I am not trying to put words in other people's mouths but we had some indication that people saw that there might be some value to the public and to the industry regulated community on this to have some distinctions within that umbrella term "releases" and some of us had come up with a variety of terms, confined, unconfined, controlled, uncontrolled, direct and indirect, but rather than get bogged down in that maybe we could look at some neutral straightforward categories that didn't get into those value-laden terms, but having said all that we thought it would be useful ultimately that the framework of a revised Section 5 would allow those kinds of distinctions to be made. So, I would argue, and again, no one has to agree with me that I could pick up Susie's version; actually it is Option B of Section 5 and say that I could look at everything in 1, 2 and 3 and call that a direct release and look at everything under 4 and call that an indirect release.

We might quibble about maybe moving some things around, but in general that is not an outrageous position to take when looking at Susie's option, and then the last thing, I think that came up most dramatically in the last 10 minutes of discussion today was the notion that we don't want to do a lot of changes to the Form R for a variety of reasons; both EPA expressed a concern that we not do wholesale changes just in looking at Section 5, but also, in general there is a level of comfort there that there is some continuity both in terms of the data as well as just the form looks a lot the same, and that the changes shouldn't be minimal for minimalization's sake but should be minimal because they ought to address spe-

cific problems, and if you only need, if you have a specific set of problems and have minimal solutions, then take the minimal solution, but we're not just going to make changes for change's sake either.

Having said all that, and no one has to agree with that, of course, but I just want to point to a few items on here.

Susie originally put that down as release into the emissions discharge and disposal, and some people have a problem with those as value-laden words in and of themselves. Well, that is the term that is used in the existing Form R, and we can go back to that as a starting point and that for discussion's sake we can take listings of one, two, and three that were presented in Susie's proposal and talk about that as Group A, the direct releases, the uncontrolled releases, the unconfined releases, pick a term and add it, but that grouping has a certain coherence and symmetry to it as a set of activities and is and can be distinguished we think on a technical basis from those activities identified under Group B activities.

A few points I would like to make to go back to some of my earlier statements about content. All of this, none of this information changes any totaling ability you have right now as far as we can see. Secondly, as far as we can see there is only one new data element that this proposal adds to Form R for the minimalists in the group, and that is the releases to groundwater. That is the only new thing that we are asking.

Other items on here would be subcategories of what is currently 5.5 disposal to land on site. So, there would be subelements of an existing grouping in Item 5, and those, for example, would be spills to land. Land treatment application farming is already in there. Let us go through it.

Air emission is already in there. That doesn't change. Water discharge is already in there. That is 5.3. This is 5.1 and 5.2.

Under the land discharges spills to land is a subcategory of 5.5. Land treatment is already in here as 5.5.2. Releases to groundwater we acknowledge is a brand new item. 3.4 would be a subcategory of 5.5 and 3.5 is basically an existing sub of 5.5.2.

Under the land disposal side RCRA subtitle C landfills is already identified. Surface impoundments is already identified. Underground injection is already identified, and for this we realize that this is fraught with problems and requires a lot of discussion of what needs to go in there, but the notion is that this is other disposal, and we could use activity codes to identify a cross section of different activities, slag piles or whatever else, municipal solid waste landfills, etc., that can be identified with a code and placed in there, but again the general category is 5.5.4. So, that isn't lost, and there is no continuity lost, and it isn't a

new item. It is just a subcategorized or potentially subcategorized item, and that is why we thought, given all that that it was an attempt to kind of bridge some differences and was just simply a conceptual framework.

No one in our group said that at four-thirty today we want EPA to walk away with the notion that this is what Section 5 is going to look like data element by data element.

It is simply trying to address the issues of grouping by direct, indirect, confined, unconfined. Minimal changes, continuity of information but still addressing I think a consensus industry position that we want both the public and ourselves to be able to differentiate between something that is entering an ambient condition and something that is for lack of a better term a managed state of some kind, and that this seems to be a viable approach, conceptual or otherwise to talk about that, and that is I think as far as we wanted to take it right now. It wasn't an attempt to force feed these data element by data element.

We recognized that things like how you address other here and you know, there may be technical problems with measuring groundwater release but those have to come out and dialogue, and we cannot solve all those problems with a summary recommendation like this.

That is it. Is there anything my colleagues want to add?

Do you want me to put that back up, Wilma?

MS. SUBRA: Yes, please. Wilma Subra. On Item 3.3 in your presentation you said that that would be an added data element. Are releases to groundwater currently being reported?

MR. SKERNOLIS: Actually the general guidance from EPA for most facilities for a land placement of a material once you have identified that as a release further releases to the groundwater out of that are not considered a new release. Is that correct?

MS. DOA: Within a medium. Sorry, this is Maria Doa. Any intramedium movement doesn't get treated as a separate release.

MS. SUBRA: But if you have a storage tank that is leaking into groundwater at the facility you don't have to report that?

MR. SKERNOLIS: That is storage tank, but look at land placement units.

MS. SUBRA: I understand. I am just asking are all releases to groundwater currently reported or are no releases to groundwater currently reported? That is my question.

MS. DOA: It is subsumed under the land releases. So, if you report, once you report to land you have reported it once. That has been the guidance right now that is in the Form R, even if there is an intralands movement. So, it is reported.

MR. SKERNOLIS: One point I forgot to mention. We are not trying, again, to say which data elements, but there was a discussion last time. I know Paul said it that he was interested in pursuing a discussion of adding data elements that would give more information to everybody, and we acknowledge, and some of us aren't too happy about it that we are going to have to do more data reporting under this.

Even in subcategorizing existing elements there is more work involved in coming up with that number and we think it is valuable in terms of the overall accuracy of the information to make that, some of us do, to make that extra effort to get this kind of grouping. So, we think we can talk about concepts like direct and indirect to the public and have data to back it up because without that data it is very hard given the way EPA mushes land releases altogether to have a meaningful discussion beyond the first tier look at that, and this at least gets us to second tier and third tier discussions about fate of these materials at least over the short term. I won't argue with you on that.

MS. SUBRA: Okay, and one other thing is what I brought up, I think this morning, the word "failure" in 3.4. I would like to flag that because normally that deals with the well construction itself.

MR. SKERNOLIS: I think we agree with that, don't we? We agree with that. I think in our draft version, I am sorry, it is crossed out.

MR. FEES: I have a quick one. This is Dave Fees. I understand that releases from the land disposal options would get covered up in the emissions discharges area or there is some possibility that --

MR. SKERNOLIS: Ambient air and ambient water releases get picked up here as they do now. These don't change.

MR. FEES: Stuff that you send to a land disposal option, what about an air release from a land disposal option?

MR. SKERNOLIS: Yes, that is what I am saying. These are new reporting requirements for us because we are basically saying that we are willing to accept the notion if I put something in my landfill and I have a volatilization of material, I have got to report that as an air emission, but everything that stays contained in that landfill stays in here.

MR. FEES: So, that would be air, water, groundwater and land conceivably from land disposal could get bumped up, a portion could get bumped up to emissions discharges?

MR. SKERNOLIS: Right, and that to us is the big trade-off quite frankly, because that is new information for some of us who are dealing with land disposal operations, added reporting burden and quite frankly not everybody necessarily thinks that is a great idea, but you know some of us are looking at that in terms of how do you argue for discriminating that if you don't argue for discriminating that out, too.

MR. ORUM: Paul Orum. I think that is my question among two questions is releases to groundwater from land disposal activity. You want that in a multimedia context. So, from land disposal activity you would want air emissions. Why not break out air emissions from land disposal activity?

MR. SKERNOLIS: It is. This is simply continuing the thought that EPA -- it is a subset of EPA's current notion that once you put it in a landfill it is -- oh, go ahead, tell me what you think is the interpretation because we are all confused about it.

MS. DOA: You are supposed to report for the reporting year the ultimate essentially disposition; if you put it on the land, but it volatilizes then it gets reported to the air. That is not new. That is existing. The only thing that is really different is the specification through an added data element of the intraland movement.

MR. SKERNOLIS: Right, I am sorry.

MR. BROMLEY: I would say that it would still -- this is Cory Bromley. It would still go, the new data element is going to go into air. I mean if you didn't have it that first year, the volatilization or whatever, you later in subsequent years have volatilization and/or wind blow off, etc., then under this new proposal you would have a reporting obligation there because it is coming out. That would be basically double counting. Right now you don't have to report that. Is that correct, Maria?

MS. DOA: You report for that reporting year once you see the threshold releases that go into each medium.

MR. SKERNOLIS: So, as an example if we had a hazardous waste incinerator and a hazardous waste landfill at the same site and you had a constituent going out the stack of that hazardous waste incinerator, you had a hazardous waste going out. With the same constituent volatilizing off the surface of the landfill it gets added into air emissions.

MS. DOA: Does this help on this, the where is it going? I mean basically we are sort of doing an interpretive guidance which I don't know if we need to do it here, but isn't the salient point that you are adding the data element that is not being collected now and that the difference would be the intraland movement?

MR. ORUM: Paul Orum, again. My second question, what is now the difference between 4.3 and 3.4? You have got disposal.

MR. SKERNOLIS: We are just going to take land discharge from land disposal. It is still under the heading of quantity of toxicant and for adding up purposes we have been told by EPA they will still be totaled under the word "release," but the distinction here is not -- don't focus on that word. I would focus on those two words.

MR. ORUM: But what is the difference between 4.3 and 3.4. You have got release to land --

MS. FERGUSON: Taking out the failure of the well gets at leaving the injection zone if it came up another Class II well. To the extent a hazardous waste or other waste was injected into the disposal zone, it would be picked up in land disposal under B. To the extent you had a well failure, traveling of a constituent out of the pipe into the subsurface before the injection zone into underground drinking water, above an underground drinking water or onto the land above the injection well it would be picked up as a spill or as a 3.4.

MR. SKERNOLIS: Susan, do we do damage to this if we change these to discharge?

MS. FERGUSON: Probably not.

MR. SKERNOLIS: So they don't look like we are distinguishing those. Is part of your point the concern that these are called releases?

MS. FERGUSON: I think if I can put words in Paul's mouth, he doesn't see a distinction between the constituent into the injection zone and the constituent into other land.

MR. ORUM: Yes, Paul Orum. Basically that is correct. You start putting it out this way and I think you risk misleading the public, in saying that this isn't all released to the environment. I understand your leaving the big boxes, but I quite frankly don't understand the difference, and if there is a difference, surely there is a difference between knowing whether something comes out in the leaking pipe and it gets all the way down to the bottom of the injection pipe, but you don't need to make the overall restructuring to add that additional data element. You could just add it right now as a subelement of what is already reported.

MR. SKERNOLIS: I guess my response to that is this is the point that we are trying to accomplish which is to make the distinction between these kinds of things and that kind of thing acknowledging that somebody, EPA, any citizen who wants to log onto the system and EPA at least as a policy matter right now is going to call that a release. We are not changing that at all by just saying what kind of release it is. In this case it is a land disposal release that you want, and in this case it is a land discharge release. Is that -- Sam, I don't mean to be speaking for you here.

MR. CHAMBERLAIN: Sam Chamberlain. Let me try to respond to that to make Paul's point in terms of the volume that goes down an injection well that goes into the permitted injection zone would be reported under 4.3 under the underground injection disposal from Class I wells. If as Susie pointed out in the regulatory program, if you had a leak of that well construction system, a leak onto the land or material migrated out of the permitted injection zone, that would be reported under 3.4.

MR. SKERNOLIS: Or 3.3 if it was groundwater.

MR. CHAMBERLAIN: No, 3.4, and it is considered based on something that has been laid down by EPA at the very

beginning of this process that they are both considered releases at this point in time.

MS. SUBRA: It looks like 3.1 through 5 is accidental releases and 4 or B is planned releases.

MR. STEIDEL: No, land treatment application is not an accidental activity, for example.

MS. SUBRA: Then all but 3.2, and yet under air you don't have point sources. You don't have fugitives and you don't have accidental.

MR. SKERNOLIS: We are not arguing the air issue. We are not changing the air thing here. We are only proposing to restructure and add one item to the land thing but the air thing we are not arguing. If you want to add data elements to air, you know, that is --

MS. SUBRA: But it is almost like everything but land application is an accidental release, a spill or a failure of the well or migrating out of the bottom of a land treatment system, right?

MS. FERGUSON: Available to air, water and direct contact land versus not immediately bioavailable is more the thought process behind it, Wilma. Some of your air discharges are planned and permitted, point source discharges, those stay the same. It is a breakdown of land to try to get at some of the contained versus more directly available releases. Again, the concern we were trying to address is the concern that many commenters made about that information when you rolled it up into land release was misleading and didn't appropriately characterize the management that was occurring. So, this still captures the information, but categorizes it a little differently than it is currently on the form.

MR. SKERNOLIS: As an example, as I understand it how this would apply to one of my hazardous waste management facilities I put X amount of a constituent into a Subtitle C landfill but I might have an NPDES permit for my leachate collection in the management system. I send that through a treatment process and then I have a discharge into a navigable water body and my NPDES permit; that gets reported here.

MS. SUBRA: It just looks like 3 is accidental, and 4 is --

MR. SKERNOLIS: I cannot help it. This captures everything. In other words in a way it is almost a better system because there are no hiding places. Some of my colleagues might be wincing right now, but you know there really isn't. Once you start saying that you have got to look at everything distinctly, and you are not allowed to kind of smash everything together in many ways it is a superior supporting system. What we think we are getting in return is to be able to make the distinction between discharge and disposal activity.

MR. REIBSTEIN: I was confused this morning about who would do the reporting when you transferred to another site, and you all told me that would be the hazardous waste

treatment storage and disposal facility. They would be responsible for reporting if something leaked from the disposal site. So, I am assuming that is still the case here.

What if you transferred to a facility that is not covered, that is not breaking the thresholds to report under Form R such as perhaps this land treatment situation? Would you then have a responsibility, the generator, the transferrer to report on what happens to the --

MR. SKERNOLIS: I will make one comment. Land treatment is not, there is nothing changed about that. It is just placed in this arbitrary category that we have established. The question of other things besides hazardous waste landfills is a function of source categories being subject to TRI, and I won't answer that question.

MS. DOA: If you sent it outside for someone else to manage you would report it in 6.2 as sent off site. I don't know if there is a specific code for land treatment. It might be other land disposal and report it there and in Section 8.1, and that would be as far as you would report it, and if the person who received it is not covered, then they don't report anything on how they manage it on site.

MR. REIBSTEIN: Okay, the follow-up question, are we getting any more specificity about identifying the receiving site? Do we need that?

MS. DOA: You are supposed to report when you transfer something off site who you are sending it to and people report that poorly though.

MR. SKERNOLIS: There is nothing in this as a general statement that if EPA decided in the future to add source categories off site in any of these areas that they would be picked up the same way RCRA Subtitle C landfills would be now, and if they have to report, then they would have to assume the reporting responsibility for all of those on-site releases. I am assuming that would be the same since that is the case for Subtitle C landfills anyway.

MR. FEES: May we move on now to some of the comments we can get from the other group?

Ken, did you want to make some statements, and Paul, maybe, too?

MR. GEISER: This is Ken Geiser, and I am going to say a little bit and then ask Paul to speak. The minimalist group turned out to be exactly that, minimalist and perhaps even less. What I think the feeling of the group was first of all trying to adjust to the context of what is going on at the table, those who were in the minimalist group didn't feel like they had come here with an initiative, that they did not have a plan to change. They didn't have a problem. They didn't have, therefore, a plan to change something on the Form R and therefore were trying to adjust to how to deal with those who had initiatives. So, you are not going to hear as well as substantively structured a set of comments as the others because

that is not where people were.

They could be there, and I will say something about that at the end. The first thing I think was just a general sense of principles and that is the minimalist group was deeply concerned not to change the Form R, not to damage the investment that was put into it, not to rob the consistency of the data and the various other things that had been said, and there was some general sense that those were principles that were strong from the point of view of those who were sitting at this end of the table.

Now, within that context though there was a recognition that there was voiced a problem, largely from the business community that was filling out the Form R and trying to understand what that problem was in order to figure out how to respond because the solution that was least talked about today was changing Section 5.

That wasn't necessarily where everybody in the group was in the sense that is Section 5 the way to address this problem. Some people felt like the problem was the way the EPA interprets the data and did not have to do with the organization and structure of the form itself but rather how the agency delivers this in a public way, and thus trying to change either Section 5 or Section 8 wouldn't necessarily deal with, successfully deal with what might be the complaint that underlies why we were speaking about what we were today.

Even so, there was a sense that there are things in a minimal way that could be changed even in Section 5, and some of the things that were noted at the last meeting, those that were here noted that there had been some sense of what those kind of things could be, but they had to do with differentiations, not loss of data but actual differentiations of the data to allow people to better specify what they were reporting seemed to be appropriate. What specifically those things could be needed to be talked out at a full table and not simply here, but there were issues like checking off boxes on slag, taking a look at what to do about the underground injection issue itself.

Given that the issue that was of some concern was that there may, also, be need for changes in Section 5 that help the EPA to better interpret the data that are reported but again not real clarity on what that might be, but I think the other piece that came out of the discussion was, and I need to say that it started with a general inventory of where each of the people was. Some people were at a position of saying, "I don't want to see any change in Form R." So, those of you who are interested in changes should understand that there is still that sentiment there. I think there was some movement this way, but there was another body or another part to the group that said that perhaps those who were sitting at this end of the table should initiate some ideas on what changes they would like to see in the Form R itself that might

add new data that might be of value particularly to the public, and as that discussion began to emerge there was a couple of different ideas that were begun to propose there many of which might be brought up under the category of how to think about Section 8 in particular and what I am going to do is not try to say what those were but maybe turn it over to Paul at this point and just let him sort of suggest a little bit about what that discussion might be.

MR. ORUM: I would just articulate briefly I think part of a larger agenda of changes, this discussion of Section 5 of which is a subpiece, and there were five basic things. I mean first a lot of us articulated before that we would like to see a facility ID system which unifies all the environmental reporting in Section 1 of the TRI form would then go in that. Okay, that is a future discussion. Two, there was some discussion at the last meeting and then again this afternoon about certain ways we thought we could all agree to change the Section 5, Section 6, even the non-change elements that could go along with such that you could differentiate when something was slag on land, when it was a Class I underground injection well, the kind of changes that have been made before. We heard agreement on that.

Third, there are areas in Section 8, the source reduction reporting to put back on the form, to put on the form the sum total of Section 8.1 through 8.7 and to add a percentage box or some other way of differentiating the amount that is generated on site and the amount that is generated elsewhere.

Fourth, another big discussion is we have been out there talking about chemical use data. That, again, is a discussion we would like to have not right now as part of this discussion of Section 5, but later with the exception of toxics and products usually thought of as a subset of chemical use data which we think should be considered a release to the environment and then the last area, you know, this is not to preclude further discussion of other changes in Section 5 and so forth that there might be agreement. We have heard the idea now that you would want further reporting on what happens after you put something in a landfill or down an underground injection well. I think that is just something to talk about a little more. Is that fair?

MR. FEES: Any questions?

MS. FASSINGER: Joan Fassinger, GM. I would just like to clarify something. First of all, we all came or were invited to this NACEPT because, and I don't think it was any industry specifically but there has been a lot of feedback to EPA on problems with the Form R and the way the data are used, and I am going to be quite frank. I think anybody who comes to this table who isn't willing to in good faith evaluate potential changes is not here in good faith and I mean that is why we are here first of all.

If the proposed changes aren't satisfactory we need to all work that out. As far as proposals we all did have opportunity to provide proposals at the last meeting. It was kind of an equal opportunity and so these proposals are not, you know, provided. I know my proposal isn't on behalf of my company at all. I don't want to even have my company name on it, but it was an attempt to try to address the issues that were raised at the last meeting and provide better information in what people asked for.

So, I just want to make that clear that we are not trying as a company or even industry to try to steer this but to try to address all the concerns that have been raised on TRI in general.

MR. GEISER: Let me respond to the first point. I want to say that that was the starting position of at least some members of that group. I think as we talked in the small time, the 20 minutes or whatever it was it was clear that even people who were saying that I really don't think we should change the form at all were willing to think about changes and there wasn't a sense of not willing, but it sort of started, it was where the people were starting, and they were trying to get themselves to a point of understanding what changes, small as they might be would be appropriate.

So, at the end of the discussion I didn't have a sense that anyone in the group was saying, "No change."

The second point, I think not having been here last time I don't know what the direction that was given to the group was about what those proposals that were being brought back were, but I heard and I saw actually two different kinds of proposals today, some which had to do specifically with how to change Section 5 which I think Susie's were a lot about, some of which in yours really was a much bigger and bolder look at it. So, I am guessing from that that there was a confusion at least about what the assignment was.

For instance, one person, I would say Rick because it was clear Rick felt he would have liked to have done what you did, but felt constrained because he thought the task was to do what Susie had done. So, I think there was, from, I think there was confusion there, and so, there was a desire to bring more to the table, but people felt constrained because they thought that the assignment was much more narrow. You obviously didn't.

MS. FERGUSON: I wanted to comment on the principle about not changing the investment that we have in the system already. From my perspective, and this is Susie Ferguson I have seen TRI reporting changed dramatically since we started in 1987, several times. It makes trend analysis difficult. So, though I concur we want to make minimal changes, I don't think we are dealing with a system that has not gone without change through time, and I think there is an important principle of constantly challenging ourselves to make sure that

the information that we are getting is in its most usable and user-friendly form and means something to the most amount of people. So, I kind of underscore that principle with maybe or balance it out with some of the other public issues that are going on, too, because it hasn't been a system that stays still through time.

MR. FEES: Questions, Ed?

MR. SKERNOLIS: I just wanted to ask Paul as a follow-up on your last point about some of the items that we talked about in Section 5 require further discussion did you have a particular recommendation to make as to when we should do that, at least in the context of what our agenda looks like for the next, tomorrow and maybe for the next meeting?

MR. ORUM: Not really but some people did suggest that we had gone about this backwards in their opinion starting with changes to the form and then talking about characterization. I think maybe it is time to give it a break and talk about characterization as we had originally planned and then come back at some later time to needed changes to the form that would support that.

MR. FEES: Let me just add that I think there was a sense that if invited some people at that end of the table would be willing to put forward some proposals that might be bigger. I don't know that there was a sense of when that would fit into the schedule that EPA was trying to lay out. I am hoping that EPA could give us some direction.

MS. PRICE: This is Michelle Price. Ken, do you mean put together a proposal for changing the Form R from your perspective or Rick's perspective?

MR. GEISER: This is Ken, and I will speak here for myself and that is I cannot tell whether you are bound by a set of questions which you have come into this with and you don't want to deviate from that or whether you are open to other ideas on how to change the form which may have to do with things that you may not have come here to talk about. I don't know how flexible and open your mission is. So, maybe that is what I think we are asking.

MS. DOA: I think we certainly have some flexibility on the form in general. One of the missions on the form was to look at Section 5 because of the issues. I don't think that if everybody had said that they didn't want to change Section 5 we would have to change Section 5 anyway, but I think that was something that we had to look at, but I think there is some flexibility in dealing with this to an extent.

MS. PRICE: Michelle Price. I just wanted to add maybe some of this because you weren't at the first meeting, I mean part of what we had said we wanted to look at was the whole form, and we tried to sort of break up a way to look at it. It is hard to look at Section 5 in a vacuum. Part of the discussion we had at the first meeting was that if we made certain changes in Section 5, then there are going to have to

be some changes made in Section 8 to make sure that that is equal, and one of the issues that we have on the table is to talk about Section, and that is what we had decided you know that we could talk about at a meeting and right now it is slated for the January meeting to talk about Section 8, and some of the discussion that we have had at the breaks and all is that it is very difficult to break the form down in an easy way and that maybe what we will do is get as far as we can on Section 5, talk about how EPA characterizes the data and the data release, talk about Section 8 at the January meeting and then you know, hopefully at that point we might be able to put together sort of a coherent set of ideas or recommendations on the Section 5 issues, Section 8 issues and how EPA characterizes data.

Now, I, also, want to add that the reason these people sent in these options was because it was an open invitation at the last meeting to put together options and people put them together during the meetings and spent time after the meeting working those up and sent those in, and that was an open invitation for anybody to send in options, and I apologize if there was any, you know, misperception or misunderstanding that nobody else could send in options. I mean a couple of people put options up on the board at the last meeting and we asked them to try to put those down on paper and send them in to us, and we would get them out, and then if anybody else had any options in the meantime to get them in to us.

MS. DOA: May I add something? We talked about Section 5 and Section 8. We, also, of course, are open and we talked a little bit about Section 6, the relationship and Section 7. So, I mean I think everything is on the table basically.

MR. GEISER: Let me just ask then in response to, I thought that Joan made a very interesting proposal by looking at how changes might better streamline the reporting relationships with RCRA and things like that. Was that too bold for this table or was her proposal relevant and should we be thinking at that scale?

MS. DOA: I think longer term in the process yes. It is not too bold. It is bold but not too bold.

MR. FEES: For TDR?

MS. DOA: For TDR because one of the things, and I mentioned this a little bit earlier when we talked about it last time we met is that we wanted to have a couple of the meetings open to deal with issues that bubbled up from the Committee, and that certainly could be one of them.

MS. PRICE: Michelle Price. I think that it may not be something that a recommendation that the TRI program can take back and make changes as a result of, but you all, ultimately the report that you send goes to the Administrator and Deputy Administrator of EPA, and if this Committee has consen-

sus on a broader way of collecting environmental data and can make a recommendation to the agency that would then feed into the agency from that perspective.

I mean obviously that may not be something that the TRI program can take back and respond to immediately because that is not something we have control over.

MS. DOA: But sort of much integration with RCRA is certainly something that is being looked at with TRI, too. That is something the agency is looking at.

MR. FEES: We need to wrap it up.

MS. FASSINGER: Okay, it seems to me from the feedback that Ken and Paul provided that we might not be as far apart as we thought. I think it is just some people wanted to have an opportunity provide options maybe they didn't understand. It was an open invitation, but I guess I would ask if one of the proposals or you know both of the proposals maybe on different time frames couldn't be discussed by the group as conceptual, again not getting into minute details which seem to cause more dissension but as conceptual concepts and recommendations from the Committee if we couldn't try to work on those because it sounds like we are not really as far apart as it might appear.

MR. SKERNOLIS: This is Ed. I think partly in response to you, Ken, when we look at Joan's proposal in the same way we have talked about trying to deal with Section 8 and characterization in the context of changes to 5, I think Joan's proposal has a lot of merit, but I would like to talk to that in the context of a broader issue of economies and efficiencies in reporting because the industrial community, also, has a big issue with the cost of this program and tries in ways to bring more efficiency to it. So, we can always argue about when to bring it up, but I think in that context then going back and looking at what we have done on 5 and 8 and plugging them into Joan's approach would really be helpful because it tackles a much bigger cost issue for us as well.

MR. FEES: Let us adjourn until tomorrow. Thank you.

(Thereupon, at 4:55 p.m., a recess was taken until 8:30 a.m., the following day, Wednesday, December 10, 1997.)

